

Chapter 88

DOGS AND ANIMALS

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ARTICLE I
Spotlighting of Animals

§ 88-1. Hours restricted; exception.

No person, between the hours of 10:00 p.m. and dawn, shall throw or cast the rays of any illuminating device on any field, woods or marsh in Lower Alloways Creek Township where deer or other animals may reasonably be expected to be found, with the following exceptions:

- A. An illuminating device may be used at any time by a person lawfully hunting for raccoons or opossums, provided that such individual has the approval to hunt upon the premises from which the illuminating rays emanate.
- B. An illuminating device may be used at any time by the owner or tenant of land, or those having the consent of the owner or tenant on such land, for purposes other than "spotlighting" or illuminating deer or other undomesticated animals.
- C. An illuminating device may be used at any time by public officials and other authorized persons for law enforcement, disaster control, rescue work, fire fighting, recovery of disabled vehicles or protection of real or personal property.

§ 88-2. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable under the provisions of the penalties section of this ordinance found in Section §88-28.

ARTICLE II
Dogs and Other Animals

§ 88-3. Definitions.

Definitions of words as used in this article for the purpose of enforcing the terms of this article are as follows:

CAT — Any domestic short or long-haired cat.

CERTIFIED ANIMAL CONTROL OFFICER — A person 18 years of age or older who has satisfactorily completed a course of study approved by the Commissioner of Health on the control of animals, or who has been employed in the State of New Jersey in the capacity of and with similar responsibilities to those required of a certified animal control officer for three years. This can also refer to an agency which supplies the animal control services of certified animal control officers.

DOG — Any male or female dog.

FOWL — Any bird, including but not limited to ducks, geese or chickens.

KEEPER — Any person over 18 years of age exercising control over a dog or other animal to remain on premises under his or her control.

KENNEL — Any establishment structure or location wherein or whereupon the business of boarding, storing or selling dogs and/or other animals is carried on, except a pet shop.

LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

LIVESTOCK — Any domestic animal, including but not limited to cattle, horses, pigs, goats, rabbits, swine, or fowl raised for home use or profit.

OWNER — Every person over 18 years of age having a right of property in such dog or other animal in his or her keeping for a period of 10 days or longer.

PET SHOP — Any establishment, structure or location wherein animals, birds, and/or fish are kept, displayed, stored or maintained for the purpose of sale or resale.

POUND — An establishment for the confinement of dogs or other animals seized under the provisions listed below.

SHELTER — An establishment where dogs, cats, or other animals are received, housed and distributed.

VICIOUS DOG -- A dog declared to be potentially dangerous or vicious by a Municipal Judge under provisions of state law.

§ 88-4. License required,

- A.** No persons shall own, keep or harbor any dog or cat [see Chapter 75 Cats] within the municipality except in, compliance with the provisions of this article and unless such person shall first obtain a license and official metal registration tag therefor issued by the Township Dog Registrar upon application by the owner, payment of the prescribed fee and proof of rabies vaccination as per state law.
- B.** The license which shall be issued by the municipality shall contain the name and address of the owner of such dog, a short description of the dog to be licensed, such as breed, sex, age, color and markings, proof of current rabies vaccination which extends to the entire licensing year in which the license is to be issued, the registration number of such license, and shall bear the signature of an authorized agent thereof.
- C.** The information supplied on all licenses under this article and the registration number issued to each licensed dog shall be preserved for a period of three years, and this information regarding dog licenses shall be forwarded to the State Department of Health each month.

§ 88-5. Registration tag; application deadline.

Any person who shall own, keep or harbor a dog of licensing age in the municipality shall apply for and procure from the municipality, a license and official metal registration tag for each dog so owned, kept or harbored and shall place upon such dog a collar or harness with the registration tag securely fastened thereto. All such applications may be made on January 1 and due by April 30 of each year. In the event that a dog is not owned, kept or harbored in the municipality on January 1, then the application for a license shall be made within 10 days of the date upon which a dog in question first became subject to the provisions of this section.

§ 88-6. Fees; exemptions; late fees.

A. The person applying for a dog license and registration tag shall pay to the municipality a fee of **\$10.80 (ten dollars and eighty cents)**. In addition to this fee, and in accordance with Title 4:19-15.2 and 15.3, any person applying for the license and registration tag shall pay a state fee of **\$3 (three dollars)** for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization and an additional state registration fee of **\$1 (one dollar)** and **\$0.20 (twenty cents)** for spay/neuter clinics. Said license and registration tags and renewal thereof shall expire on December 31 of each year.

B. No fee shall be charged for dogs used as guides for blind persons and commonly known as Seeing eye dogs; dogs used to assist deaf persons and commonly known as Hearing Ear animals; dogs used to assist handicapped persons commonly known as Service dogs'; and dogs used by the Police Department to assist in official law enforcement matters and commonly known as "K-9 dogs."

C. When a Municipal Court has declared a dog to be a potentially dangerous dog, it may require the owner to maintain liability insurance and insurance in an amount of not less than **\$100,000 (one hundred thousand dollars)** in accordance with the provisions of N.J.S.A. 4:19-24b. The liability insurance shall contain a provision requiring the Lower Alloways Creek Township to be named as an additional insured and said insurance carrier notify the Township of Lower Alloways Creek of any cancellation, termination or expiration of the required liability insurance policy.

D. Beginning on July 1, 2008 and as follows thereafter, any owner who fails to pay the license fees herein required on or before the first day of May in each year shall, in addition to the licensing fee, pay a late charge in the amount of **\$10 (ten dollars)**. This amount of **\$10 (ten dollars)** is to be paid upon payment of the licensing fee for each dog required to be licensed by this article. The late fee shall not apply to the owner of a dog being licensed for the first time because of age (not yet of an age to be vaccinated against Rabies) or to the owner of a dog who became a resident of the Township on or after May 1st.

§ 88-7. Time of application.

A license shall be required for any dog or cat owned by a resident:

- A.** The first day of January of a calendar year.
- B.** Any dog or cat acquired by any person during the course of any calendar year and kept within the municipality for more than 10 days after acquisition.
- C.** Any dog or cat attaining licensing age during the course of the calendar year.
- D.** Any unlicensed dog or cat brought into the municipality by any person and kept for more than 10 days.
- E.** Any dog or cat licensed by another state brought into the municipality by any person and kept for more than 90 days.

§ 88-8. Tag removal.

No person, except the Animal Control Officer or police officer in the performance of duties, shall remove a registration tag and/or collar from any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 88-9. Disposition of fees.

License fees and other moneys collected or received under the provisions of this article, except the registration tag fees, shall be forwarded to the Municipal Treasurer within 30 days after collection or receipt and shall be used as prescribed by the statutes of New Jersey governing this subject. The registration tag fee for each dog shall be forwarded within 30 days after collection by the Township Dog Registrar to the State Department of Health.

§ 88-10. Running at large.

No dog, cat, cattle, goat, swine, fowl and/or other like animal or livestock shall run or be permitted by its owner to run upon any public street, sidewalk, thoroughfare, park, playground, school yard or in any of the public places of the municipality or upon any private property without the prior consent of the owner.

§ 88-11. Disturbance of peace.

- A.** No person shall own, keep, harbor, or maintain any dog, cat, or other animal which habitually barks, howls or cries frequently and thereby disturbs the peace and quiet of the neighborhood and creates a nuisance at any time of the day or night.
- B.** The provisions of N.J.S.A. 4:19-17 through 4:19-37 governing vicious and potentially dangerous dogs are incorporated by reference.

§ 88-12. Animal Control Officer.

An Animal Control Officer or agency shall be appointed by the governing body. Such person or agency so designated and appointed as Animal Control Officer shall be entitled to be paid as compensation for services an amount established by the municipality.

§ 88-13. Dog canvass.

Any person or agency appointed for this purpose by the governing body of the municipality shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the municipality. A report will be made to the Clerk or other person designated to license dogs in the municipality and to the Township Dog Registrar and to the State Department of Health on or before September 1 of each year.

§ 88-14. Seizure; impounding.

A. The Animal Control Officer of the municipality shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption the following:

- (1) Any dog, cat, cattle, goat, swine, fowl and/or other like animal or livestock rearing at large within the limits of the municipality;
- (2) Any dog or cat not licensed or tagged as provided;
- (3) Any dog, cat or other animal which is off the premises of the owner of the person keeping or harboring said animal and which is believed to be a stray animal;
- (4) Any dog, cat or other animal with a dangerous or vicious propensity or noticeably infected with rabies or bitten by a dog, cat or other animal suspected of having rabies;
- (5) Any female dog or cat in season not confined in such a way so as not to be accessible to males, or any female dog or cat in season off the premises of the owner or of the person keeping or harboring such dog or cat;
- (6) Any dogs or cats creating a nuisance while off their property; and
- (7) Any dog, cat or other animal with a dangerous or vicious propensity that is unmuzzled, uncontrolled by proper restraint or running at large, provided that the dog, cat or other animal may be seized by the Animal Control Officer, and provided further that if said dog, cat or other animal cannot be seized with safety, it may be killed.

B. If any dog, cat or other animal so impounded or seized wears a collar or harness, having described thereon or attached thereto the name and address of any person or registration tag, or the owner of the person keeping or harboring said animal is known, the Animal Control Officer shall serve on the person whose address is given on the collar or the owner or the person keeping or harboring said animal, if known, a notice in writing that the animal has been seized and will be liable to be offered for adoption, or destroyed if not claimed within seven days after service of the notice.

C. A notice under this section may be served either by delivering it to the person upon whom it is to be served or by forwarding it by postal service in a prepaid letter addressed to that person at his or her usual or last known place of abode, or to the address given on the collar.

D. The Animal Control Officer may cause an animal to be destroyed or offered for adoption seven days after seizure, provided that:

- (1) Notice is given as set forth above and the animal remains unclaimed;
- (2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance or veterinary cost; and
- (3) The owner or person keeping or harboring an animal which was unlicensed at the time of seizure does not produce a license and/or registration tag for the animal.

E. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained shall be sold or otherwise made available for the purpose of experimentation.

§ 88-15. Authority to enter premises.

The Animal Control Officer engaged in the performance of his or her duty is hereby authorized to enter upon any premises to seize and impound any dog, cat or other animal, which he or she may lawfully seize or impound when such officer is in immediate pursuit of said animal, except upon the premises of the owner of the animal, if said owner is present and forbids same.

§ 88-16. Interference with official duties.

No person shall distract, give false information, hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§ 88-17. Leashing,

No person owning, keeping or harboring any dog and or other like animal or livestock shall permit it upon a public street, sidewalk, thoroughfare, park, playground, school yard, or in any of the public places of the municipality unless it is controlled by an adequate leash or tether not more than six feet long.

§ 88-18. Property damage.

No person owning, keeping or harboring a dog, cat, and/or other animal shall permit it to do any injury or do any damage to any lawn, shrubbery, flowers, grounds, garden or property.

§ 88-19. Animals on private or public property without permission; exceptions.

No person shall bring, allow, or knowingly permit any dog, cat, or other animal onto any private property without the owner's permission, or into any store, or other building or portion thereof, which members of the public at large are invited or expected to enter or frequent. Nothing in this section shall be deemed to prohibit the keeping or bringing of any dog, cat or other animal into the premises of the owner. Specifically excluded from this section are Seeing Eye dogs, Hearing Ear animals, Police K-9 dogs, or other service animals.

§ 88-20. Certain animals not permitted.

- A. No person shall own, keep, or harbor any wolf or wolf hybrid, or wildlife hybrids within the municipality.
- B. No person shall own, keep, or harbor any ferret, snake, or other exotic animal within the municipality.
- C. No person shall own, keep or harbor a potbelly pig, or other livestock within the municipality on a property of less than 1/2 acre.
- D. No person shall own, possess, or have custody on his/her premises of any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.
- E. No person shall keep or permit to be kept any wild animal as a pet.
- F. No person shall own, keep, or harbor a dog, cat, or other animal on an unoccupied premise.

§ 88-21. Defecation by animals; removal.

A. No person keeping, harboring or in charge of any dog, cat, or other animal shall cause, suffer, or allow such dog, cat, or other animal to soil, defile, deface, or defecate on, or commit any nuisance on any public property, including but not limited to any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk. The aforesaid restrictions shall not apply to those persons who shall comply with the following:

- (1) The person in charge of such dog, cat, or other animal shall immediately remove all feces deposited by such an animal by any sanitary method approved by the Township Dog Registrar; and

(2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog, cat, or other animal in a sanitary manner approved by the Township Dog Registrar.

B. No person keeping, harboring, or in charge of any dog, cat, or other animal shall cause, suffer, or allow such dog, cat, or other animal to soil, defile, deface or defecate on or commit any nuisance upon any private property without the permission of the property owner.

C. No person shall abandon, leave, relinquish control over, or cause to remain, any dog, cat, bird, or other animal on any public or private property without the prior approval of the property owner.

§ 88-22. Sanitary requirements.

The premises on which dogs, cats, livestock, birds, or other animals are maintained shall at all times conform to the following requirements:

A. Dogs, cats, livestock, birds and other animals shall at all times be confined to such premises or portion thereof as will preclude odors and sound emanating from such animals or birds, or engendered by their care, feeding or other activity connected with such animals or birds from interfering with the ordinary and reasonable use, occupation, and enjoyment of property on neighboring premises.

B. All sheds coops, pens, runways, stalls, or other enclosures or facilities related to animals or birds shall be located or maintained at least 50 feet from a main building and/or from any lot line. Dog boxes shall be located or maintained at least 50 feet from any lot line.

C. Buildings, food storage bins, appliances, equipment, feeding areas and other facilities on the premises shall be constructed with rat proofing materials and maintained in such fashion as to permit proper cleansing and shall be cleaned, deodorized and disinfected regularly.

D. Water supply shall be adequate for proper sanitation.

F. Water or other liquid to which mosquitoes may have access shall be properly drained to prevent their breeding.

F. Disposition shall be made of animal wastes, excrement, garbage, refuse, or vegetable matter deposited upon the premises in such a manner as to prevent insect breeding or rodent infestation or pollution of the air, ground, or body of water or the creation of any other unhealthy or unsanitary condition.

G. All necessary measures shall be employed to ensure that rodents or insects hazardous to public health shall be precluded from infesting the premises.

H. Adequate measures shall be taken to prevent animals or birds maintained from escaping or at any times roaming at large.

I. Adequate facilities shall be available to maintain the premises in a sanitary condition at all times.

J. No person shall willfully sell, or offer to sell, use, or expose any animal or bird having contagious or infectious disease dangerous to the health or life of human beings or animals.

§ 88-23. License for kennel, pet shop, shelter, or pound.

A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound may only do so in a location permitted by the Lower Alloways Creek Township land use ordinance or pursuant to a variance lawfully granted by the Lower Alloways Creek Township Planning Board. No person may operate any such facility or establishment without first having obtained a license issued by the appropriate official in Lower Alloways Creek Township. Any such license shall not be transferable from owner to owner or place to place. Any person holding such a license shall not be required to secure individual licenses for dogs housed by such licensee at the licensed location. This exception does not apply to dogs owned by the licensee that are not held for resale. It shall be presumed that dogs are not held for resale if they are maintained by the licensee for more than one year. It shall be unlawful to keep more than five dogs at one location, premises or facility without first obtaining a kennel, pet shop, and shelter or pound license

B. The application for a kennel, pet shop, shelter, or pound license shall describe the premises to be utilized for such purpose, and shall be accompanied by the written approval of the local municipal zoning officer and health authority showing compliance with the local and state rules and regulations governing location and sanitation of such establishment. The application shall list the maximum number of dogs, cats, or other animals to be accommodated by such establishment at any one time, and shall identify all dogs or other animals not intended for resale.

C. All licenses issued for a kennel, pet shop, shelter, or pound shall state the purpose for which the establishment has been maintained. All such licenses shall expire on the last day of June of each year, and be subject to revocation by the municipality on recommendation of the State Department of Health or Township Dog Registrar for failure to comply with the rules and regulation of said Board, after the owner has been afforded a hearing by either the State Department or local board.

D. Any person holding a kennel, pet shop, shelter, or pound license shall secure individual licenses for dogs over six months of age that are owned by such licensee and kept or maintained on the licensed premises.

E. The Animal Control Officer, as agent of the Township Dog Registrar, shall ensure that any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound, shall comply with applicable state and local laws.

F. Annual license fees for kennel and pet shop license shall be as follows:

- (1) Kennel accommodating 10 or less dogs: **\$50**;
- (2) Kennel accommodating more than 10 dogs: **\$100**;
- (3) Pet shop: **\$50**; and
- (4) Shelter/pound: no fee.

§ 88-24. Kennel reports.

The Township Dog Registrar shall forward to the State Department of Health a list of all kennels, pet shops, shelter and pounds licensed within 30 days after the licenses therefor are issued. The list shall include the name and address of each licensee and the kind of license issued.

§ 88-25. Control off premises.

No dog, cat, or other animal kept in a kennel, pet shop, shelter or pound shall be permitted off the premises except on a leash, in a crate or other like method.

§ 88-26. Animal bites.

A. When it has been determined by a hospital, physician or veterinarian that an animal bite has occurred, the Animal Control Officer, as an agent of the Township Dog Registrar, shall receive and investigate all animal bites. The Animal Control Officer, in conjunction with the Health Officer having jurisdiction, will ensure that all quarantine periods and suspected rabies specimens are handled expeditiously.

B. If any animal is involved in three incidents within a twelve-month period where such bites have been reported by a hospital, physician or veterinarian, the Animal Control Officer shall report to the Municipal Court Judge and the owner/keeper in writing of these reported incidents, and that such animal may be determined at a hearing held before a Municipal Judge to have a propensity to cause harm to people or other domestic animals. The owner/keeper shall be notified in writing of the results of the hearing, including the determination of the Judge.

C. No person owning or keeping an animal which has been determined to have a propensity to cause harm to people or other domestic animals shall permit such animal off the premises of the owner/keeper unless the animal is muzzled and/or crated and on a leash no longer than six feet. Housing conditions must be adhered to as set by the State Board of Health.

§ 88-27. Sales and Adoptions.

Any shelter, retailer, owner/keeper or agency which sells or adopts-out dogs/cats must report all sales and adoptions to the municipality. The municipality shall record the sales and adoptions so that dogs/cats that are not licensed and are over the age of six months will be counted. The municipality will also have a record of dogs/cats that are licensed but are not yet spayed / neutered.

§ 88-28. Violations and Penalties.

A. Except as otherwise provided in N.J.S.A. 4:19-15.19 for violations of certain provisions thereof, any person who violates, fails or refuses to comply with any part of this article shall be subject to the penalties provided herein. The continuation of such violation for each successive day shall constitute a separate offense, and the person(s) allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of these provisions shall be subject to abatement, summarily by a restraining order, or by injunction issued by a court of competent jurisdiction.

C. The penalties are revised to provide that violators will be punishable, upon conviction, by a fine of not less than \$50.00 (fifty) Dollars and not more than \$500.00 (five hundred) Dollars or by imprisonment for a term not exceeding 30 (thirty) days or Community Service of not more than 30 (thirty) days or any combination thereof. Such fines, imprisonment and Community Service shall be at the discretion of the Judge.

D. The provisions of this chapter shall not in any way be deemed to hinder or prohibit prosecution of violators pursuant to state law and the penalties and provisions of state law are deemed to be in addition to the penalties and provisions of this chapter.

Article III
Alteration and Reproduction Capacity Clinics
[Adopted 12-21-79 as Ord. No.79-56]

§ 88-29. Authorization to contract for services. [Amended 1-19-81 by Ord. No.81-1]

Agreements are hereby authorized to be entered into by resolution with qualified doctors of veterinary medicine to provide services for the alteration of the reproductive capacity of cats and dogs owned by residents of Lower Alloways Creek Township. Said agreements are entered into as professional service contracts and are exempt from the New Jersey Local Public Contracts Law.* The agreements shall contain the terms and conditions set forth in § 88-33 below.

§ 88-30. Continuance of existing contracts. [Added 1-19-81 by Ord. No. 81-1]

Those agreements previously entered into with:

Dr. Jamie Rider (Hopewell & Pennsville Veterinary Clinics), Dr. Decktor (Decktor Veterinary Hospital & Clinic), Dr. Noreen Lanza (Raccoon Valley Animal Hospital), Dr. William McAlonan (Wilwynn Animal Hospital), Dr. Irvin Ware (Woodstown Veterinary), Dr. Varnold (Tri-County Veterinary), Swedesboro Animal Hospital, to provide the aforementioned services shall remain in full force and effect.

§ 88-31. Certification of available funds.

The Township Treasurer has certified that sufficient funds for these contracts exist in a line item appropriation and that line item to be charged is "Dog Regulation -OE."

§ 88-32. No liability of Veterinarians.

Residents of Lower Alloways Creek Township may take their dogs and cats to any of the above-named doctors to be spayed or castrated under the following conditions:

A. The owner shall fill out a form at the Township Clerk's office setting forth the name and address of the owner and the name and description of the cat or dog and a notarized authorization by the owner consenting to the spaying or castrating and agreeing to hold the veterinarian, the municipality, its agents, servants and employees harmless from any damages arising from the castrating or spaying incidental thereto.

*Editor's Note: See N.J.S.A. 40A:1 1-1 et seq.

CHAPTER 90

DRUGS

Article I Drug-Free School Zones

- § 90-1. Map adopted.**
- § 90-2. Official locations and boundaries.**
- § 90-3. Changes in locations and boundaries.**
- § 90-4. Copies of map.**
- § 90-5. Declarations.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 9-13-89 as Ord. No. 89-17. Amendments noted where applicable.]

Article I Drug-Free School Zones [Adopted 9-13-89 as Ord. No. 89-17]

§ 90-1. Map adopted.

In accordance with and pursuant to the authority of P.L. 1988, c. 44 (N.J.S.A. 2C:35-7), the Drug-Free School Zone Map produced on or about January 25, 1988, by Albert A. Fralinger Jr., P.A., Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and the areas on or within one thousand (1,000) feet of such school property.

§ 90-2. Official locations and boundaries.

The Drug-Free School Zone Map approved and adopted pursuant to § 90-1 of this Article shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (1,000) feet of property owned or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this Article shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.

§ 90-3. Changes in locations and boundaries.

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Municipal Engineer and the Municipal Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school board and which is used for school purposes.

§ 90-4. Copies of map.

The Clerk of the municipality is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § 90-1 of this Article, and to provide, at a reasonable cost, a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this Article shall be provided without cost to the County Clerk and to the office of the Salem County Prosecutor.

§ 90-5. Declarations.

The following additional matters are hereby determined, declared, recited and stated:

A. It is understood that the map approved and adopted pursuant to § 90-1 of this Article was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this state, and that pursuant to state law, such map shall constitute prima facie evidence of the following:

- (1) The location of elementary and secondary schools within the municipality.
- (2) The boundaries of the real property which is owned by or leased to such schools or a school board.
- (3) That such school property is and continues to be used for school purposes.
- (4) The location and boundaries of areas which are on or within one thousand (1,000) feet of such school property.

B. All of the property depicted on the map approved and adopted herein as school property was owned by or leased to a school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of P.L. 1987, c. 101 (N.J.S.A. 2C:35-7).

C. Pursuant to the provisions of P.L. 1988, c. 44,* a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § 90-1 of this Article. The failure of the map approved herein to depict

*Editor's Note: See N.J.S.A. 2C:35-7.

the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.

D. All of the requirements set forth in P.L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone Map have been complied with.

CHAPTER 92

FIRE SAFETY

- § 92-1. Local enforcement.
- § 92-2. Agency designation.
- § 92-3. Duties of local enforcing agency.
- § 92-4. Organization.
- § 92-5. Appointments; qualifications; term of office; removal.
- § 92-6. Life-hazard uses.
- § 92-7. Non-life-hazard uses.
- § 92-8. Permits and certificate of fire code status.
- § 92-9. Appeals.
- § 92-10. Enforcement, violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 1/19/2010 as ORD No. 2009-18]

ARTICLE I

§ 92-1. Local enforcement.

Pursuant to *N.J.S.A. 52:27D-202*, each municipality in the State of New Jersey is authorized to adopt an ordinance providing for local enforcement of the New Jersey Uniform Fire Safety Act, being *N.J.S.A. 52:27D-192, et seq.* The purpose of this ordinance is to provide for such local enforcement.

§ 92-2. Agency designation.

The local enforcing agency shall be the Lower Alloways Creek Township Fire District through its **Bureau of Fire Prevention**. The **Bureau of Fire Prevention** shall consist of one paid fire inspector who shall be known as the Fire Official.

§ 92-3. Duties of local enforcing agency.

- A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Township of Lower Alloways Creek in the County of Salem other than one and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by the federal government, interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 92-4. Organization.

- A. The local enforcing agency established by § 92-2 of this article shall be administered and under direct control and supervision of the Township Committee of Lower Alloways Creek.
- B. The Bureau of Fire Prevention shall have at least one paid inspector.

§ 92-5. Appointments; qualifications; term of office; removal.

- A. Appointment and qualifications of the Fire Official. The Fire Official shall be certified by the State and appointed by the Lower Alloways Creek Township Committee.
- B. Appointment and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency, if any, shall be appointed by the Township Committee of Lower Alloways Creek. All life-hazard use inspectors shall be certified by the State.
- C. Appointment of legal counsel. The Township solicitor shall assist the local enforcing agency in enforcing the Uniform Fire Code and the Uniform Fire Safety Act unless the Township Committee shall appoint separate legal counsel to serve in this capacity.
- D. Term of office. The Fire Official shall serve for a term of three years. Any vacancy shall be filled for the unexpired term.
- E. Removal from office. During their appointment term, The Fire Official, inspectors and other employees of the agency shall be subject to removal by the Township Committee of Lower Alloways Creek for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Township Committee or a hearing officer designated by the same.

§ 92-6. Life-hazard uses.

The Bureau of Fire Prevention established by § 92-2 of this article shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 92-7 Non-life-hazard uses.

- A. In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay the annual fee designated herein.

(1) Assembly.

A-1	Eating establishment under 50	\$100
A-2	Take-out food service (no seating)	\$100
A-3	Church or synagogue	\$50
A-4	Recreation centers, multipurpose rooms, etc., fewer than 100	\$50
A-5	Court rooms, libraries, fraternal organizations, condominium centers fewer than 100	\$50
A-6	Senior citizen centers fewer than 200	\$50

(2) Business/professional.

B-1	Professional use one- and two-story less than 5,000 sq. ft. per floor	\$50
B-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$75
B-3	One- and two-story more than 10,000 sq. ft.	\$100
B-4	Three- to five-story less than 5,000 sq. ft. per floor	\$125
B-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$175
B-6	Three- to five-story over 10,000 sq. ft. per floor	\$225

LOWER ALLOWAYS CREEK CODE

(3) Retail (mercantile).

M-1a	One- and two-story less than 5,000 sq. ft. per floor	\$75
M-1b	One- and two-story more than 1,500 sq. ft. and less than 5,000 sq. ft. per floor	\$125
M-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	\$150
M-3	One- and two-story more than 10,000 sq. ft. per floor	\$175
M-4	Three- to five-story less than 5,000 sq. ft. per floor	\$200
M-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	\$225
M-6	Three- to five-story over 10,000 sq. ft.	\$250
NOTE: M with the exception of hardware store 3,000 sq. ft., retail store 12,000 sq. ft. are life-hazard uses.		

(4) Manufacturing (factory).

F-1	One- and two-story less than 5,000 sq. ft. per floor	\$75
F-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$100
F-3	One- and two-story more than 10,000 sq. ft.	\$150
F-4	Three- to five-story less than 5,000 sq. ft. per floor	\$175
F-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	\$200
F-6	Three- to five-story over 10,000 sq. ft.	\$250
NOTE: F exception life-hazard uses.		

FIRE SAFETY

92-7

(5) Storage S-1 (moderate hazard S-1, low hazard S-2).

S-1	One- and two-story less than 5,000 sq. ft. per floor	\$50
S-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$100
S-3	One- and two-story more than 10,000 sq. ft.	\$150
S-4	Three- to five-story less than 5,000 sq. ft. per floor	\$175
S-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	\$200
S-6	Three- to five-story over 10,000 sq. ft.	\$250
NOTE: S exception life-hazard uses.		

(6)

Residential (local enforcing agency listed with multifamily Bureau of Housing Inspection). Fee is for each building.

R-1	1 to 6 units	\$25
R-2	7 to 12 units	\$50
R-3	13 to 20 units	\$75
R-4	21 to 50 units	\$100
R-5	For each additional unit	\$2

(7) Common areas (each building).

R-1	One- and two-story less than 5,000 sq. ft. per floor	\$200
R-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$75
R-3	One- and two-story more than 10,000 sq. ft.	\$100
R-4	Three- to five-story less than 5,000 sq. ft. per floor	\$125
R-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	\$150

92-7**LOWER ALLOWAYS CREEK CODE**

(8) Common areas (local enforcing agency not listed with Bureau of Housing Inspection)
(each building).

R-1	One- and two-story less than 5,000 sq. ft. per floor	\$50
R-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$75
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R-4	Three- to five-story less than 5,000 sq. ft. per floor	\$125
R-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	\$150
R-6	Three- to five-story over 10,000 sq. ft.	\$200

- B. R-A uses shall be inspected and charged a fee only upon sale or change of tenant.
- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.
- D. Uses required to register with the state as life-hazard uses shall not be required to register under this article.
- E. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.
- F. All residential uses except R-A uses shall be inspected in the common areas only.

§ 92-8. Permits and certificate of fire code status.

- A. The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

Type 1	\$35
Type 2	\$138
Type 3	\$276
Type 4	\$414

- B. The cost for the issuance of a certificate of fire code status shall be \$35.
- C.

§ 92-9. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, (See N.J.S.A. 52:27D-206, 208) any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the local construction board of appeals. If no such body exists, appeals shall be made to the County Construction Board of Appeals.

§ 92-10. Enforcement, violations and penalties.

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

CHAPTER 91

FEES

Article I Certificates

§ 91-1. Enumeration of fees.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 9-4-1990 as Ord. No. 90-15. Amendments noted where applicable.]

GENERAL REFERENCES

Dog licensing fees—See Ch. 88, Art. I.

Article I Certificates

[Adopted 9-4-1990 as Ord. No. 90-15]

§ 91-1. Enumeration of fees.

Fees to be charged by the Registrar of Vital Statistics of the Township of Lower Alloways Creek, other than those fixed by state law or a state agency, shall be as follows:

- A. Certified copy of birth certificate: eight dollars (\$8.) each.
 - B. Certified copy of marriage certificate: eight dollars (\$8.) each.
 - C. Certified copy of death certificate: eight dollars (\$8.) each.
 - D. Certified copy of certificate of domestic partnership: twenty-eight dollars (\$28.).
- [Added 7-20-04 by Ord. No. 2004-10]**

CHAPTER 92

FIRE SAFETY

- § 92-1. Local enforcement.
- § 92-2. Agency designation.
- § 92-3. Duties of local enforcing agency.
- § 92-4. Organization.
- § 92-5. Appointments; qualifications; term of office; removal.
- § 92-6. Life-hazard uses.
- § 92-7. Non-life-hazard uses.
- § 92-8. Permits and certificate of fire code status.
- § 92-9. Appeals.
- § 92-10. Enforcement, violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 1/19/2010 as ORD No. 2009-18]

ARTICLE I

§ 92-1. Local enforcement.

Pursuant to *N.J.S.A. 52:27D-202*, each municipality in the State of New Jersey is authorized to adopt an ordinance providing for local enforcement of the New Jersey Uniform Fire Safety Act, being *N.J.S.A. 52:27D-192, et seq.* The purpose of this ordinance is to provide for such local enforcement.

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The local enforcing agency shall be the Lower Alloways Creek Township Fire District through its **Bureau of Fire Prevention**. The **Bureau of Fire Prevention** shall consist of one paid fire inspector who shall be known as the Fire Official.

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- A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Township of Lower Alloways Creek in the County of Salem other than one and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by the federal government, interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 92-4. Organization.

- A. The local enforcing agency established by § 92-2 of this article shall be administered and under direct control and supervision of the Township Committee of Lower Alloways Creek.
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- B. Appointment and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency, if any, shall be appointed by the Township Committee of Lower Alloways Creek. All life-hazard use inspectors shall be certified by the State.
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- E. Removal from office. During their appointment term, The Fire Official, inspectors and other employees of the agency shall be subject to removal by the Township Committee of Lower Alloways Creek for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Township Committee or a hearing officer designated by the same.

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(2) Business/professional.

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LOWER ALLOWAYS CREEK CODE

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92-7**LOWER ALLOWAYS CREEK CODE**

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- D. Uses required to register with the state as life-hazard uses shall not be required to register under this article.
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§ 92-8. Permits and certificate of fire code status.

- A. The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

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§ 92-9. Appeals.

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§ 92-10. Enforcement, violations and penalties.

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

CHAPTER 93
FLOOD DAMAGE PREVENTION

Article I
Purpose and Objectives

- § 93-1. Statement of purpose.
- § 93-2. Methods of reducing flood losses.

Article II
Definitions

- § 93-3. Definitions.

Article III
General Provisions

- § 93-4. Lands to which chapter applies.
- § 93-5. Basis for establishing areas of special flood hazard.
- § 93-6. Violations and penalties.
- § 93-7. Effect; conflicting regulations.
- § 93-8. Interpretation.
- § 93-9. Warning; disclaimer of liability.

Article IV
Administration

- § 93-10. Development permit.
- § 93-11. Administrative official designated.
- § 93-12. Powers and duties of Construction Official.
- § 93-13. Use of other base flood data.
- § 93-14. Information to be obtained and maintained.
- § 93-15. Alteration of watercourses.
- § 93-16. Interpretation of boundaries.
- § 93-17. Variances and appeals; appeal board.
- § 93-18. Conditions for variances.

Article V
Flood Hazard Reduction

§ 93-19. General standards.

§ 93-20. Specific standards.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 11-15-82 as Ord. No. 82-39. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Board—See Ch. 24.

Trailer and Mobile Home Parks—See Ch. 147.

Article I
Purpose and Objectives

§ 93-1. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

93-2. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters.

D. Controlling filling, grading, dredging and other development which may increase flood damage.

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**Article II
Definitions****§ 93-3. Definitions.**

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the Construction Official's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO Zone on the Flood Insurance Rate Map (FIRM), in which the base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides. [Added 3-25-87 by Ord. No. 87-5]

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. [Added 3-25-87 by Ord. No. 87-5]

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING — A nonbasement building which is built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or sheer walls parallel to the flow of water and which is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood; in an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls. [Added 3-25-87 by Ord. No. 87-5]

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION [Repealed 3-25-87 by Ord. No. 87-5]

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION [Repealed 3-25-87 by Ord. No. 87-5]

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary - Floodway Map and the water surface elevation of the base flood.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-hundredths (.02) foot.

HABITABLE FLOOR [Repealed 3-25-87 by Ord. No. 87-5]

LOWER FLOOR OF THE LOWEST ENCLOSED AREA (INCLUDING BASEMENT) — An unfinished or flood-resistant enclosure usable solely for the parking of vehicles, building excess or storage in an area other than a basement is not considered a building's "lowest floor," providing that such enclosure is not built so as to render the structure in violation of other applicable nonelevation design requirements. [Added 3-25-87 by Ord. No. 87-5]

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes parked trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles. [Added 3-25-87 by Ord. No. 87-5]

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. [Added 3-25-87 by Ord. No. 87-5]

MOBILE HOME [Repealed 3-25-87 by Ord. No. 87-5]

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this chapter.

START OF CONSTRUCTION [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)] — Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, replacement or other improvement is within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure or a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [Amended 3-25-87 by Ord. No. 87-5]

STRUCTURE — A walled and roofed building, a mobile home or a gas or liquid storage tank that is principally aboveground.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Article III General Provisions

§ 93-4. Lands to which chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Township of Lower Alloways Creek.

§ 93-5. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration is a scientific and engineering report entitled the "Flood Insurance Study for the Township of Lower Alloways Creek," on file in the Township Clerk's office, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, are hereby adopted by reference and declared to be part of this chapter.

§ 93-6. Violations and penalties.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.) or imprisoned for not more than ninety (90) days, or both, for each violation,

and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Lower Alloways Creek from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 93-7. Effect; conflicting regulations.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 93-8. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 93-9. Warning; disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Township of Lower Alloways Creek, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**Article IV
Administration**

§ 93-10. Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 93-5. Application for a development permit shall be made on forms furnished by the Construction Official and may include but not be limited to plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.

B. Elevation, in relation to mean sea level, to which any structure has been floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 93-20B.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 93-11. Administrative official designated.

The Construction Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 93-12. Powers and duties of Construction Official.

Duties of the Construction Official shall include but not be limited to:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

C. Review all development permits to determine if the proposed development is located in the floodway, and, if located in the floodway, assure that the encroachment provisions of § 93-20D(1) are met.

§ 93-13. Use of other base flood data. [Amended 3-25-87 by Ord. No. 87-5]

When base flood elevation and floodway data has not been provided in accordance with § 93-5, Basis for establishing areas of special flood hazard, the Construction Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer § 93-20A, prescribing specific standards for residential construction, and § 93-20B, prescribing specific standards for nonresidential construction.

§ 93-14. Information to be obtained and maintained.

The Construction Official shall:

A. Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures:

- (1) Verify and record the actual elevation, in relation to mean sea level.
- (2) Maintain the floodproofing certifications required in § 93-10C.

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

§ 93-15. Alteration of watercourses.

The Construction Official shall:

A. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the floodcarrying capacity is not diminished.

§ 93-16. Interpretation of boundaries.

The Construction Official shall make interpretation, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 93-17.

§ 93-17. Variances and appeals; appeal board. [Amended 8-15-00 by Ord. No. 2000-7]

A. The Planning Board or the Zoning Board of Adjustment of the Township of Lower Alloways Creek shall hear and decide appeals and requests for variances from the requirements of this chapter. The determination to which Board the appeal or request for variance shall be made is to be determined in accordance with the New Jersey Statutes governing municipal land use law, said specific statute presently being N.J.S. 40:55D-34.

B. The appropriate Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Construction Official in the enforcement or administration of this chapter.

C. In passing upon such applications, the appropriate Board shall consider all technical evaluations and all relevant factors and standards specified in other sections of this chapter and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(7) The compatibility of the proposed use to the Comprehensive Plan and floodplain management program for that area.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

(9) The safety to access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

D. Upon consideration of the factors of Subsection C and the purposes of this chapter, the appropriate Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

E. The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

§ 93-18. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in § 93-17D(1) through (11) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 93-17D or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Article V Flood Hazard Reduction

§ 93-19. General standards.

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) [Amended 3-25-87 by Ord. No. 87-5] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:

(a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.

(b) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

(c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(d) Any additions to the manufactured home shall be similarly anchored.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Electrical, heating, ventilation, plumbing and airconditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. [Added 3-25-87 by Ord. No. 87-5]

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided in reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

E. Enclosure openings. For all new construction and substantial improvement, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry or exit of floodwaters. [Added 3-25-87 by Ord. No. 87-5]

§ 93-20. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 93-5, Basis for establishing areas of special flood hazard, or in § 93-13, Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water, and shall have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certifications shall be provided to the Official as set forth in § 93-14B. [Amended 3-25-87 by Ord. No. 87-5]

C. Manufactured homes. [Amended 3-25-87 by Ord. No. 87-5]

(1) Manufactured homes shall be anchored in accordance with § 93-19A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

D. (Reserved)*

*Editor's Note: Former Subsection D, Floodways, was repealed 3-25-87 by Ord. No. 87-5.

CHAPTER 99

HOUSING STANDARDS

- § 99-1. Administrative officer designated.
- § 99-2. Adoption of standards.
- § 99-3. Inspection of dwellings authorized.
- § 99-4. Notice of violations.
- § 99-5. Hearings and appeals; emergency conditions.
- § 99-6. Additional rules and regulations.
- § 99-7. Compliance with standards required.
- § 99-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-6-66. Section 99-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes—See Ch. 78.
Flood damage prevention—See Ch. 93.
Zoning—See Ch. 156.

§ 99-1. Administrative officer designated.

The Housing Officer of the Township of Lower Alloways Creek is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity without any additional salary.

§ 99-2. Adoption of standards.

Pursuant to the provisions of P.L. 1946, c. 21 (N.J.S.A. 40:49-5.1), the New Jersey State Housing Code as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the New Jersey State Housing Code is annexed to this chapter and three (3) copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§ 99-3. Inspection of dwellings authorized.

The Housing Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township of Lower Alloways Creek in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Housing Officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Housing Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 99-4. Notice of violations.

Whenever the Housing Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires and be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 99-5. Hearings and appeals; emergency conditions.

A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Housing Officer, provided that such person shall file in the office of the Housing Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition the Housing Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later

than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner the said Officer may postpone the date of the hearing for a reasonable time beyond such ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the said Officer shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the said Officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Officer within ten (10) days after such notice is served. The proceedings at such hearing, including the findings and decision of the Housing Officer, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Housing Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Officer may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

B. Whenever the Housing Officer finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Housing Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Housing Officer shall continue such order in effect, or modify it or revoke it.

§ 99-6. Additional rules and regulations.

The Housing Officer is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter nor in anywise alter, amend or supersede any of the provisions thereof. The Housing Officer shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the Township of Lower Alloways Creek.

§ 99-7. Compliance with standards required. [Amended 6-19-1990 by Ord. No. 90-9]

A. No person shall occupy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

B. The owner of any dwelling or dwelling unit situate in the Township of Lower Alloways Creek shall, prior to lease of the same and occupancy thereof by the lessee, obtain from the Lower Alloways Creek Township Housing Officer a certificate of continued occupancy as required by this chapter, certifying that said dwelling or dwelling unit is in compliance with the New Jersey State Housing Code and the provisions of this chapter.

C. The purchaser of any dwelling or dwelling unit situate in the Township of Lower Alloways Creek shall, prior to purchase of the same and occupancy thereof, obtain from the Lower Alloways Creek Township Housing Officer a certificate of continued occupancy as required by this chapter, certifying that said dwelling or dwelling unit is in compliance with the New Jersey State Housing Code and the provisions of this chapter.

D. Application for said certificate of continued occupancy shall be made by the owner, in the event of lease, or the purchaser, in the event of sale of said dwelling or dwelling unit, to the Lower Alloways Creek Township Housing Officer at least ten (10) days before lease or sale and occupancy on a form supplied by said Housing Officer. The fee for said application and certificate of continued occupancy shall be twenty-five dollars (\$25.) for the first and second inspections of the same dwelling or dwelling unit and fifty dollars (\$50.) for each subsequent inspection necessary until a certificate of continued occupancy is issued.

E. In the event of sale of a dwelling or dwelling unit situate in the Township of Lower Alloways Creek, the owner of the same shall notify the purchaser of the same of the provisions of this chapter and inform said purchaser of his or her obligation to procure a certificate of continued occupancy pursuant to the provisions of this chapter prior to occupying said dwelling or dwelling unit.

F. In the event of sale of a dwelling or dwelling unit situate in the Township of Lower Alloways Creek, the certificate of continued occupancy required by this chapter may be issued subject to conditions that will bring the dwelling or dwelling unit into compliance with the New Jersey State Housing Code; provided, however, that occupancy of said dwelling or dwelling unit shall be unlawful and not permitted until all of said conditions shall have been satisfied.

§ 99-8. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed five hundred dollars (\$500.) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

CHAPTER 104
LITTER AND JUNK

- § 104-1. Deposit of litter in public pieces.
- § 104-1.1. Definitions.
- § 104-2. Placement of litter in receptacles.
- § 104-2.1. Use of litter receptacles.
- § 104-3. Sweepings; cleanliness of sidewalks.
- § 104-4. Maintenance of business premises.
- § 104-5. Throwing litter from vehicles.
- § 104-6. Trucks causing litter.
- § 104-7. Litter in parks.
- § 104-8. Litter on occupied private property.
- § 104-9. Maintenance of private property.
- § 104-10. Litter on vacant lots.
- § 104-11. Clearing of litter from private property by township.
- § 104-12. Posting of signs.
- § 104-13. Illegal dumping.
- § 104-13.1. Illegal placement of refuse.
- § 104-14. Storage of household solid waste.
- § 104-15. Storage of tires.
- § 104-16. Inoperable vehicles.
- § 104-17. Uncovered loaded vehicles.
- § 104-18. Construction sites.
- § 104-19. Open or overflowing waste disposal bins prohibited.
- § 104-20. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 3-1-82 as Ord. No. 82-6. Amendments noted where applicable.]

GENERAL REFERENCES

Parks—See Ch. 127.

Streets and sidewalks—See Ch. 138.

§ 104-1. Deposit of litter in public places.

No person shall throw or deposit litter, rubbish or trash in or upon any street, sidewalk or other public place within the township except in public receptacles, in authorized private receptacles for collection or in areas approved by the township for dumping of refuse.

§ 104-1.1. Definitions. [Added 11-22-89 by Ord. No. 89-20]

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can; any unlighted cigarette, cigar, match or flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste; newspaper; magazines; glass; metal; plastic or paper containers or any other packaging or construction material; but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling or farming or manufacturing.

§ 104-2. Placement of litter in receptacles.

Persons placing litter, rubbish or trash in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 104-2.1. Use of litter receptacles.[Added 11-22-89 by Ord. No. 89-20]

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas such that, at a minimum, there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing their receptacles such that adequate containerization is available. "Litter receptacle" means a container suitable for the depositing of litter.

§ 104-3. Sweepings; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, rubbish and trash.

§ 104-4. Maintenance of business premises.

A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway.

B. The owner or managing agent, lessee or tenant shall keep his entire business premises free from all litter, rubbish and trash.

C. In shopping centers or other business premises that contain common areas and/or common parking areas, the owner or managing agent shall keep such common areas and/or common parking areas free from all litter, rubbish and trash.

§ 104-5. Throwing litter from vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter, rubbish or trash upon any street or other public place within the township or upon private property.

§ 104-6. Trucks causing litter.

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the township the wheels or tires of which carry onto or deposit in any street, alley or other public place litter, rubbish or trash or foreign matter of any kind. This section shall not apply to farm vehicles.

§ 104-7. Litter in parks.

No person shall throw or deposit litter, rubbish or trash in any park within the township except in public receptacles and in such manner that the litter, rubbish or trash will be prevented from being carried or deposited by the elements.

§ 104-8. Litter on occupied private property.

No person shall throw or deposit litter, rubbish or trash on any occupied private property within the township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter, rubbish or trash will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

§ 104-9. Maintenance of private property.

The owner, managing agent, lessee, tenant or person in control of any private property shall at all times maintain the premises free of litter, rubbish or trash; provided, however, that this section shall not prohibit storage of litter, rubbish or trash in authorized receptacles for collection.

§ 104-10. Litter on vacant lots.

No person shall throw or deposit litter, rubbish or trash on any open or vacant private property within the township, whether owned by such person or not.

§ 104-11. Clearing of litter from private property by township.

A. Notice to remove. The Township of Lower Alloways Creek Enforcement Officer is hereby authorized and empowered to notify the owner, managing agent, lessee, tenant or person in control of any private property within the township to properly dispose of litter, rubbish or trash located on such property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner, managing agent, lessee, tenant or person in control at his last known address. [Amended 5-27-87 by Ord. No. 87-8]

B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, rubbish or trash dangerous to the public health, safety or welfare within ten (10) days after notice provided in Subsection A above, or within fifteen (15) days after the date of such notice, in the event the same is returned to the township by the Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter, rubbish or trash or to order its disposal by the township.

C. Charge included in tax bill. When the township has effected the removal of such dangerous litter, rubbish or trash or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the township, and said charge shall be due and payable by said owner at the time of payment of such bill.

§ 104-12. Posting of signs. [Amended 4-5-82 by Ord. No. 82-9]

The Chairman of the Streets and Highways Committee, as authorized by the Township Committee, shall be empowered to post appropriate signs stating the prohibition against littering and the fine of five hundred dollars (\$500.).

§ 104-13. Illegal dumping. [Added 5-25-88 by Ord. No. 88-9*]

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture or private property, except by written consent

*Editor's Note: This ordinance also provided that former § 104-13, Violations and penalties, be redesignated to become § 104-20.

of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 104-13.1. Illegal placement of refuse. [Added 2-6-1990 by Ord. No. 90-1]

Refuse of any kind which is to be picked up and removed by Lower Alloways Creek Township municipal forces shall only be refuse which has been generated by the property owner occupying the property or a property owner's tenant occupying the property. The refuse generated by either the aforesaid property owner or tenant shall only be refuse which had been generated on the property where the Lower Alloways Creek Township municipal forces are picking the refuse up. In no event shall a property owner or property owner's tenant allow others to place their trash for pickup on the property owner's property.

§ 104-14. Storage of household solid waste. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

§ 104-15. Storage of tires. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential property owner to store or permit storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

§ 104-16. Inoperable vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

- A. Is missing tires, wheels, engine or any essential parts;
- B. Displays extensive body damage or deterioration;
- C. Does not display a current, valid state license; or
- D. Is wrecked, disassembled or partially disassembled.

§ 104-17. Uncovered loaded vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction,

damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs therefor.

§ 104-18. Construction sites. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

§ 104-19. Open or overflowing waste disposal bins prohibited. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 104-20. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.) or imprisonment for a term not to exceed ninety (90) days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

CHAPTER 107

LOITERING

- § 107-1. Definitions.
- § 107-2. Certain types of loitering prohibited.
- § 107-3. Discretion of police officer; failure to comply with order.
- § 107-4. Loitering by minors.
- § 107-5. Notification of parent or guardian.
- § 107-6. Presumptive evidence.
- § 107-7. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-21-82 as Ord. No. 82-16. Amendments noted where applicable.]

§ 107-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Remaining idle in essentially one (1) location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression "hanging around."

PARENT or GUARDIAN — Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE — Any place to which the public has access, and includes any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or in the case of a minor, not owned by or under the control of his parent or guardian.

§ 107-2. Certain types of loitering prohibited.

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.

C. Obstruct the free passage of pedestrians or vehicles.

D. Obstruct, molest or interfere with any person lawfully in any public place as defined herein. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 107-3. Discretion of police officer, failure to comply with order.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 107-2, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 107-4. Loitering by minors.

No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this chapter.

§ 107-5. Notification of parent or guardian.

Whenever any minor under the age of eighteen (18) years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.

§ 107-6. Presumptive evidence.

If at any time within thirty (30) days following the giving of notice as provided in § 107-5, the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 107-7. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment not exceeding thirty (30) days, or both, in the discretion of the court.

CHAPTER 116

NUMBERING OF BUILDINGS

- § 116-1. Purpose.
- § 116-2. Applicability.
- § 116-3. Placing of numbers required.
- § 116-4. Specifications.
- § 116-5. Visibility of numbers.
- § 116-6. Assignment of numbers.
- § 116-7. Violations and penalties.
- § 116-8. Enforcement officer.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 10-19-79 as Ord. No. 79-52. Section 116-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES
Streets and sidewalks—See Ch. 138.

§ 116-1. Purpose.

The purpose of this chapter is to require the clear display of authorized and assigned house or building numbers on every building fronting on any street in the Township of Lower Alloways Creek in order to assist the general public and emergency services, public and private, in identifying any property in case of emergency or otherwise.

§ 116-2. Applicability.

All dwelling houses, stores or other principal buildings erected or to be erected within the Township of Lower Alloways Creek shall display house or building numbers assigned by the Township Engineer according to a system approved by the Township Committee and as provided for herein and in conformity with the specifications provided for herein.

§ 116-3. Placing of numbers required.

The owner, occupant or lessee of each and every house, store or other principal building which now fronts or which may hereafter front upon any public or private street within the Township of Lower Alloways Creek shall, within six (6) months after the final adopting of

this chapter, cause the assigned and supplied number of such house or building to be permanently and conspicuously placed and maintained in accordance with the specifications set forth herein. The actual numbers placed on the house or building shall be those supplied by the township at the township's expense. At the request of the owner of any dwelling house or building within the Township of Lower Alloways Creek and upon the delivery to the township of a signed statement by the owner releasing the township and its agents from any liability in connection therewith, the township through its agents or employees shall install, at township's expense, the assigned number on such house or building in accordance with the provisions of this chapter.

§ 116-4. Specifications.

House or building numbers shall be:

- A. In Arabic numerals and light-reflective.
- B. A minimum height of three (3) inches.
- C. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.
- D. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.
- E. At least thirty (30) inches, but no more than fifteen (15) feet, above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the house or building fronts.

§ 116-5. Visibility of numbers.

If said house or building has such a setback location that the provisions of §116-4 above cannot be complied with, then the owner, occupant or lessee shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox, with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the house or building fronts.

§ 116-6. Assignment of numbers. [Amended 3-27-1985 by Ord. No. 85-8; 10-3-1995 by Ord. No. 95-10]

A. No person shall receive a house number for his or her new house until a building permit has been issued by the Construction Code Official of the Township of Lower Alloways Creek to said person for said new house.

B. The Township Engineer shall have the duty of assigning numbers to the new house after a building permit has been issued for said house.

§116-7. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Any person who violates the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or imprisonment for ninety (90) days, or both.

§ 116-8. Enforcement officer.

Enforcement of this chapter shall be within the authority of the Construction Code Official.

CHAPTER 121

PARADES

- § 121-1. Definitions.
- § 121-2. Permit required.
- § 121-3. Exceptions.
- § 121-4. Application for permit.
- § 121-5. Standards for permit issuance.
- § 121-6. Notice of denial.
- § 121-7. Alternative parade permits.
- § 121-8. Notice of issuance.
- § 121-9. Contents of permit.
- § 121-10. Duties of permit holder.
- § 121-11. Possession of permit during parade.
- § 121-12. Public conduct during parades.
- § 121-13. Revocation of permit.
- § 121-14. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 9-7-79 as Ord. No. 79-43. Section 121-14A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 121-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARADE — Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the township.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

§ 121-2. Permit required.

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the Chief of Police.

§ 121-3. Exceptions.

This chapter shall not apply to:

- A. Funeral processions.
- B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.
- C. A governmental agency acting within the scope of its functions.

§ 121-4. Application for permit.

A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

A. Filing period. An application for a parade permit shall be filed with the Chief of Police not less than twenty (20) days before the date on which it is proposed to conduct the parade.

B. Contents. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade.

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; type of animals and description of the vehicles.

(7) The hours when such parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location by streets of any assembly areas for such parade.

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(11) The interval of space to be maintained between units of such parade.

(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a

communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

C. Late applications. The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than three (3) days before the date such parade is proposed to be conducted.

§ 121-5. Standards for permit issuance.

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic continuous to its route.

B. The conduct of the parade will not require the diversion of so great a number of police officers of the township to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the township.

C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the township other than that to be occupied by the proposed line of march and areas contiguous thereto.

D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas.

E. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire.

F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

G. The parade is not to be held for the sole purpose of advertising any product, goods or events and is not designed to be held purely for private profit.

§ 121-6. Notice of denial.

If the Chief of Police disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was denied a notice of his action, stating the reasons for his denial of the permit.

§ 121-7. Alternative parade permits.

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that

named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter.

§ 121-8. Notice of issuance.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The Township Attorney.
- C. The Fire Chief.

§ 121-9. Contents of permit.

Each parade permit shall state the following information:

- A. Starting time.
- B. Minimum speed.
- C. Maximum speed.
- D. Maximum interval of space to be maintained between the units of the parade.
- E. The portions of the streets to be traversed that may be occupied by the parade.
- F. The maximum length of the parade in miles or fractions thereof.
- G. Such other information as the Chief of Police shall find necessary to the enforcement of this chapter.

§ 121-10. Duties of permit holder.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

§ 121-11. Possession of permit during parade.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§ 121-12. Public conduct during parades.

A. Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

C. Parking on parade route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

§ 121-13. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

§ 121-14. Violations and penalties.

A. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed for each separate act involved or on each day involved during a continuation of any such act in violation of any of the provisions of this chapter.*

B. The penalty or penalties provided herein shall be in addition to, and not in lieu of, the suspension or revocation of any permit issued hereunder.

*Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art I.

CHAPTER 124

PARKING FOR THE HANDICAPPED

- § 124-1. Definitions.
- § 124-2. Parking plans for public buildings.
- § 124-3. Parking restrictions; enforcement.
- § 124-4. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-7-82 as Ord. No. 82-14. Amendments noted where applicable.]

GENERAL REFERENCES
Vehicles and traffic—See Ch. 151.

§ 124-1. Definitions.

A. In applying and interpreting this chapter, the following definitions shall be used:

HANDICAPPED PERSON — Includes any person with any physical impairment which causes that person to walk with difficulty or insecurity, or any person with any other injury, impairment or disability, temporary or permanent, such as blindness, crippling diseases or amputation of either or both legs or of parts of either or both legs or of either or both arms.

HANDICAPPED PERSON SLIP — A form issued by the Lower Alloways Creek Police Department stating that the holder of such handicapped person slip is a handicapped person within the meaning of this chapter and which complies with the required format.

MOTOR VEHICLE — Any vehicle which is self-propelled and designed to travel along the ground, including but not limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, campers and trailers.

PARKING — The standing or waiting of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC BUILDINGS — Any building, structure, facility or complex used by the general public, including but not limited to theaters, concert halls, auditoriums, museums,

schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels and public eating places, constructed by any state, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation, with the following exceptions: one-to-four-family private residences, warehouse storage areas and all buildings classified as hazardous occupancies. As used herein, "hazardous occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable or explosive material or which has inherent characteristics that constitute a special fire hazard.

SPECIAL LICENSE PLATES, CARDS AND OTHER INSIGNIAS — Those license plates and special vehicle identification cards issued by the Director of the Division of Motor Vehicles of the State of New Jersey pursuant to N.J.S.A. 39:4-205 and 4-206.

STOPPING OR STANDING — When prohibited, any cessation of forward movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

B. Other words and phrases defined. Whenever any other words or phrases are used in this chapter, where meaning is ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey, that meaning shall be deemed to apply to such words and phrases used herein; in all other instances such words and phrases not so ascribed shall be given their ordinary and common meaning.

§ 124-2. Parking plans for public buildings.

A. Within thirty (30) days subsequent to the adoption of this chapter, any owner of a public building within the Township of Lower Alloways Creek shall provide no less than (1) handicapped parking space for every fifteen (15) spaces of public parking available to it; provided, however, that the owners of such a public building shall not be required to provide more than four (4) such handicapped parking spaces in any one (1) adjacent parking lot. The handicapped parking spaces shall be conveniently located adjacent to the public building entrances.

B. Prior to the designation of such handicapped parking spaces, the owner shall be required to submit a location plan to the Lower Alloways Creek Township Public Safety Director for approval. Failure of the Public Safety Director to approve or deny within ten (10) days after receipt of such plan shall be deemed as approval of such plan. If the Township Public Safety Director does not approve the plan, he shall notify the owner and the Township Clerk. Thereafter the Township Committee shall, within thirty (30) days, set a public hearing on the owner's proposed handicapped parking plan, at which time the owner and Public Safety

Director shall be given an opportunity to be heard. The Township Committee then by resolution may accept or modify the owner's proposed handicapped parking plan; the terms and conditions of the resolution shall then constitute the approved handicapped parking plan.

The decision of the Township Committee shall be rendered within thirty (30) days after public hearing. Failure of the Township Committee to render a decision by resolution within the required thirty-day period shall constitute an approval of the owner's proposed handicapped parking plan.

C. No certificate of occupancy shall be issued to any building or structure defined as a "public building" until such time as the required handicapped parking spaces are provided by the owner thereof.

§ 124-3. Parking restrictions; enforcement.

A. Handicapped parking spaces. Handicapped parking spaces shall be those spaces which are identified with a clearly visible sign displaying the international symbol of the handicapped along with the wording "Handicapped Parking Only," and a designation of the penalty for violation shall be placed on the sign or parking space. Handicapped parking spaces shall be provided at the Township Building Hall and all other public buildings constructed by the Township of Lower Alloways Creek and all other buildings as required by N.J.S.A. 52:32-4.

B. Only handicapped persons may park in designated areas. No person shall park, stop or stand a motor vehicle any time in an area designated as reserved for the benefit of physically handicapped individuals unless such person is a handicapped person or is driving such handicapped person for the handicapped person's benefit. Display of a handicapped person slip, special license plates or special vehicle identification card shall entitle the vehicle to park in a handicapped parking spot.

C. (Reserved)*

D. Enforcement.

(1) The terms and provisions of this section shall be enforced as to all buildings owned and operated by the Township of Lower Alloways Creek and as to those buildings for which a private owner has consented to enforcement in writing.

(2) The terms and provisions of this section shall be enforced by the Lower Alloways Creek Police Department and such other persons as the Mayor may designate to enforce this section. The Mayor shall be required to file the name or names of any persons so designated by him to enforce this section with the Clerk of the Township of Lower Alloways Creek, who shall maintain a permanent log of the person or persons so designated. Such person or persons shall serve at the pleasure of the Mayor.

(3) The Mayor shall be required, upon the termination or resignation of any person or persons so designated to act as an enforcing officer herein, to so advise the Township

*Editor's Note: Former Subsection C, Notice of violation, was repealed 5-21-1991 by Ord. No. 91-3.

Clerk of that person's resignation or termination, which the Clerk shall so note on the permanent log. The term of any person or persons designated to serve as enforcing officer, notwithstanding any other provisions of this chapter, shall terminate as of the expiration of the term of the Mayor.

§ 124-4. Violations and penalties.

A. A person shall be deemed in violation of § 124-2 of this chapter if after ten (10) days' written notice is given by a duly designated township official, said person fails to then comply with § 124-2 of this chapter. Any person violating § 124-2 may be fined no more than two hundred fifty dollars (\$250.). Each day that a person shall be in violation of said section shall constitute a separate offense.

B. Any person who shall violate any other provision of this chapter shall be liable to a fine of one hundred dollars (\$100.) for the first offense and, for subsequent offenses, a fine of at least one hundred dollars (\$100.) and up to ninety (90) days' community service, on such terms and in such form as the court shall deem appropriate, or any combination thereof. [Amended 5-21-1991 by Ord. No. 91-3]

CHAPTER 127

PUBLIC LANDS AND FACILITIES

§ 127-1. Purpose.

§127-2. General regulations.

§127-3. Violations and penalties.

§127-4. Permit required for group outings.

§127-5. Severability.

§127-1. Purpose.

This ordinance is intended to specify the terms for access, use and permitted activities on public lands and facilities. The Mayor and Township Committee recognize that certain public lands are designed for open access by the general public, and the Mayor and Township Committee intend to restrict access to certain other lands. This ordinance will designate the permitted and restricted areas and activities on public land and facilities in the Township.

§127-2. General regulations.

- A. No person is permitted on any public lands posted with No Trespassing signs. Regardless of whether public lands are so posted, no motorized vehicles are permitted on public lands unless same have been improved for motor vehicle access and/or parking. These restrictions shall not preclude emergency vehicle and law enforcement access as necessary.
- B. No person shall enter or use any park or recreational facilities of the Township of Lower Alloways Creek before 6:00 a.m. and after 10:00 p.m. or after the curfew hour if under seventeen (17) years of age.
- C. No person shall deface, damage, mutilate or destroy park property or recreational facilities.
- D. No person shall park or operate a motor vehicle or motorized bicycle within a park or recreational facility of the Township of Lower Alloways Creek, other than in those spaces clearly marked for same or as have been improved for travel or parking within said park or recreational facility.

* Editors Note: Former Section 127-1, Use of facilities restricted to residents and guests, containing portions of Ordinance No. 77-33 was repealed 11-6-2002 by Ordinance 2002-10.

- E. No person shall sell or offer for sale any object or merchandise or any other thing within a park or recreational facility of the Township of Lower Alloways Creek except by permission of the Township Committee.
- F. No person shall possess or consume any alcoholic beverage on Township property, including parks and recreational facilities of the Township of Lower Alloways Creek.
- G. No person shall post or display any advertising sign or material on Township property including parks and recreational facilities except by permission of the Lower Alloways Creek Township Committee.
- H. No person shall leave, throw, drop or discharge any trash, rubbish, refuse, wastepaper or any other material on Township property including parks and recreational facilities except in trash containers provided for that purpose by the Township of Lower Alloways Creek.
- I. No person shall use any wheeled recreational vehicle or vehicle such as roller skates, stake board, bicycle or wagon on any basketball court or tennis court within a park or recreational facility of the Township of Lower Alloways Creek.
- J. No person shall allow, take or cause any domestic animal to enter upon any basketball court or tennis court within a park or recreational facility of the Township of Lower Alloways Creek.

§127-3. Violations and penalties.

Any person violating any provision of this Chapter shall, upon conviction, be subject for each offense to a fine or penalty of not more than five hundred dollars (\$500) and to imprisonment of not more than ninety (90) days in the county jail, in the discretion of the court.

§127-4. Permit required for group outings.

Any person or organization wishing to have a group outing or picnic in a public park and/or recreation facility shall schedule this event with the Recreation Committee of Lower Alloways Creek Township at least two (2) weeks in advance of such outing and secure a permit from the Township clerk. Over two-thirds (2/3) of the members of such group or organization must reside in the Township for such an event to be scheduled and for such a permit to be issued.

§127-5. Severability.

The provisions of this Chapter of the ordinance are severable and the invalidity of a particular provision shall not invalidate any other provisions.

CHAPTER 130
PEDDLING AND SOLICITING

- § 130-1. Registration required; exemptions.
- § 130-2. Definitions.
- § 130-3. Purpose.
- § 130-4. Information required.
- § 130-5. Separate registration required.
- § 130-6. Issuance of registration certificate; fee; renewal.
- § 130-7. Possession of certificate; inspection upon request.
- § 130-8. Restrictions.
- § 130-9. Additional exemptions.
- § 130-10. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 5-2-83 as Ord. No. 83-10. Amendments noted where applicable.]

§ 130-1. Registration required; exemptions.

No person, except as provided herein, shall canvass, solicit, distribute circulars or other matter or call door to door or place to place in the Township of Lower Alloways Creek, without first registering with the Chief of Police or, in his absence, the officer in charge of the Police Department. Distribution of newspapers, supplements thereto and advertising circulars and canvassing by political candidates or other person campaigning in regard to public questions are hereby exempt from the provisions of this chapter, subject, however, to the requirements contained in § 130-8 requiring that all circulars or samples be left in a secure place on the premises.

§ 130-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CANVASSER or SOLICITOR — Includes itinerant vendors of merchandise who shall go from door to door in this township selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise of any description whatever. A "canvasser or solicitor" shall also be deemed to be one who is not in the business of selling goods, but one who makes surveys for research purposes, analyses, opinion polls,

rating data, and any such similar work which by its nature involves a door-to-door or place-to-place activity, and shall include persons going from door to door or place to place for the purpose of contributions, donations or alms for any persons or organization.

MERCHANDISE — Includes magazines, periodicals, books and orders or contracts for a service, home improvement or alteration.

§ 130-3. Purpose.

The purpose of this chapter is to prevent fraud, crime and unethical and dishonest business practices, and for the general protection, health and welfare of the residents of the Township of Lower Alloways Creek.

§ 130-4. Information required.

Each registrant shall, at the time of registering, file with the Chief of Police an application in writing, which shall give the following information:

- A. Name, age and physical description of the applicant.
- B. Complete permanent home and local address of the applicant.
- C. Name and address of the organization or person for whom the solicitation is being made.
- D. Description of the nature of the business and the goods, services or wares to be sold and sufficient information to determine whether or not the business to be transacted is interstate or intrastate commerce.
- E. Two (2) photographs of the applicant, which shall be approximately two and one-half by two and one-half (2-1/2 x 2-1/2) inches in size, showing the head and shoulders of the applicant in a clear and distinguished manner.
- F. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly conduct offense, where and when so convicted, the nature of the offense and the penalty, if any.
- G. The make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation within the township and the number of his driver's license and the state of issuance.

§ 130-5. Separate registration required.

A separate registration must be made for every solicitor, agent or employee soliciting within the township limits.

§ 130-6. Issuance of registration certificate; fee; renewal.

A. Each registrant, upon being so registered, shall be issued within a reasonable time a registration certificate by the Chief of Police, upon which shall be affixed one (1) photograph

of the applicant signed by the Chief of Police or, in his absence, the person acting in his place, so that part of his signature covers part of the photograph.

B. Each registrant shall immediately pay to the Township Clerk a license fee of ten dollars (\$10.). Such license shall be issued for a period of thirty (30) days and may be renewed for additional thirty-day periods without payment of fee; provided, however, that all rights of renewal shall expire on December 31 of the year of issue and shall not be transferable.

§ 130-7. Possession of certificate; inspection upon request.

Each registrant shall carry the registration certificate at all times when in the township and shall exhibit it to any citizen or police officer upon request. Upon expiration of the registration certificate, it shall be returned by the registrant to the Lower Alloways Creek Police Department.

§ 130-8. Restrictions.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

A. All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

B. No person subject to the provisions of this chapter shall canvass, solicit or distribute circulars or other matter, except during the hours between 9:00 a.m. and 5:00 p.m., Monday through Saturday.

C. No person subject to the terms of this chapter shall enter or attempt to enter the house or apartment of any resident in the Township of Lower Alloways Creek without an express invitation from the occupant of the house or apartment.

D. No person subject to the terms of this chapter shall conduct himself in such a manner as to become objectionable to or annoy any person while soliciting within the township limits.

E. No person subject to this chapter shall make any solicitation within the township limits where solicitors are notified by a sign that soliciting is prohibited.

§ 130-9. Additional exemptions.

A. All residents of Lower Alloways Creek Township are exempt from this chapter.

B. Any person, organization or society or association of a charitable, religious, patriotic, philanthropic or community nature desiring to solicit or have solicited in its name money, property or financial assistance for which no merchandise, wares or services are required shall be exempt from §§ 130-4 and 130-6 of this chapter, provided that there is filed with the Chief of Police an application in writing giving the following information:

- (1) Names of solicitors and purpose or cause for which the solicitation is being made.
- (2) Names and addresses of the officers of the organization.
- (3) Names and addresses of the agents or representatives who will solicit, canvass or distribute literature in the township.

Each solicitor for such organization, society or association shall carry proper identification and shall display same upon request.

C. Members of organizations, societies, associations of a charitable, religious or patriotic or philanthropic or community nature soliciting or canvassing members of their own organization are exempt from the provisions of this chapter. However, it is expressly provided that solicitation aforesaid is strictly limited to members of the particular organization.

D. United States war veterans and exempt firemen who are specially licensed pursuant to N.J.S.A. 45:24-9 et seq.

§ 130-10. Violations and penalties.

Any person violating the terms of this chapter, whether as an individual, principal or agent or employee of another, shall, upon conviction in the municipal court of the Township of Lower Alloways Creek, be subject to a fine not to exceed five hundred dollars (\$500.) or to imprisonment in the county jail not exceeding ninety (90) days, or both, in the discretion of the Municipal Court. The Director of Public Safety is hereby empowered to suspend the permit of any person charged with a violation of this chapter pending a hearing by the Municipal Court. The Municipal Court is further empowered to permanently revoke the permit upon conviction.

CHAPTER 135

SEWERS

- § 135-1. Separate connection required.
- § 135-2. Amount of time for connection.
- § 135-3. Connection and street opening permits required.
- § 135-4. Connection to riser; connection permit fees.
- § 135-5. Disconnection of previously existing system; connection or removal of fixtures required.
- § 135-6. Service charges.
- § 135-7. Treatment.
- § 135-8. Refusal of right to connect.
- § 135-9. Sewer Committee.
- § 135-10. Superintendent of Public Works.
- § 135-11. Maintenance of books and collection of charges.
- § 135-12. Connection permit applications and issuance.
- § 135-13. Standards for connection with sewerage system.
- § 135-14. Standards for connection of fixtures with sewer pipes or drains.
- § 135-15. Certain wastes restricted.
- § 135-16. Duty to close sewer branch.
- § 135-17. Correction of hazardous condition.
- § 135-18. Disconnection upon demolition of building.
- § 135-19. Definitions.
- § 135-20. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-4-84 as Ord. No.84-13. Amendments noted where applicable.]

GENERAL REFERENCES

Superintendent of Public Works-See Ch. 32. Art. VI.
Housing standards-See Ch. 99.
Waste separation and collection-See Ch. 153.

§ 135-1. Separate connection required.

Any building in the Township of Lower Alloways Creek that is located on a lot fronting upon a street in which a sewer main is constructed and is within two hundred (200) feet of such main or a house connection branch from such main, must be connected separately and independently with the sewer through a house connection branch (riser) directly in front of the building, or nearest in a downstream direction, for the disposal of any sewage from that building except for such sewage or materials that are prohibited from entry into the sewer by this chapter or by any other applicable law. Grouping of buildings upon one (1) house sewer will not be permitted except by special permission.

§ 135-2. Amount of time for connection. [Amended 4-10-85 by Ord. No. 85-10]

A. All property owners of the Township of Lower Alloways Creek will be required to connect to the township's existing sewerage system, and each property owner will receive notice of such intent to connect.

B. If a property owner does not connect to the township's existing sewerage system, that property owner will receive a second notice to connect in which that property owner will have thirty (30) days to connect to the township's sewerage system.

C. If said property owner, after receiving second notice of connection, does not connect to the township's existing sewerage system within thirty (30) days of receipt of the second notice, the township has the right to enter onto the premises and cause a lateral or such other piping, as approved by the Township Engineer, to be installed on the owner's property and connected to the township's existing sewerage system.

D. The township shall make such installations with either township employees or licensed plumbers in a manner as prescribed by law, and such cost shall be assessed against the property owner. The township shall be authorized to bill the property owner for the township's services and / or place a lien for such costs against said owner's property.

E. Interest on outstanding accounts, pertaining to the collection of bills and / or liens, of this chapter shall accrue at the rate of twelve percent (12%) per annum or as such other law authorizes.

§ 135-3. Connection and street opening permits required.

A. No connections shall be made until the permit has been obtained from the Superintendent and from the Construction Code Official.

B. Any excavation within the street shall be made only after a street opening permit has been obtained pursuant to any street opening ordinance in effect in the township.

§ 135-4. Connection to riser; connection permit fees.

A. In making a connection to a riser there shall be no excavation within ten (10) feet of a riser until an authorized township representative is present. The connection to the main and any work within the public street shall be done only by township personnel, agents or contractors. Any connection to a riser shall be done under observation of an authorized township representative and only during township working hours.

B. The fee for a permit to connect to the sewer system shall be twenty-five dollars (\$25) for any building existing and legally occupied prior to the effective date of this chapter or having a valid certificate of occupancy at the effective date of this chapter. The permit fee for connections for all other buildings shall be equal to the actual costs to the township for the connection, but in any event there shall be a minimum fee of five hundred dollars (\$500) per building. [Amended 3-17-1992 by Ord. No.92-4]

§135-5. Disconnection of previously existing system; connection or removal of fixtures required.

A. Within sixty (60) days of connection to the sewer system, the owner of any building with a previously existing system for disposal of sewage shall disconnect and terminate that system to the satisfaction of the Township and County Departments of Health. Any abandoned septic systems, including tanks, cesspools and seepage pits, shall be pumped and filled or removed and backfilled, as required by the Plumbing Subcode of the New Jersey Uniform Construction Code. Such work shall be inspected and approved by the Plumbing Sub-code Official, who is responsible for enforcement of this provision.

B. All water closets, urinals, sinks, bathtubs, washbasins, washtubs and other fixtures for receiving wastewaters located in or connected with any building or for which connection with the sewer system is mandatory under this chapter, within six (6) months of service of notice to connect as provided above, shall be either removed or connected with the sewer in the manner provided by this chapter.

§ 135-6. Service charges. [Amended 3-17-1992 by Ord. No.92-4; 3-15-1994 by Ord. No.94-1; 2-3-1998 by Ord. No.98-1; 4-18-2007 by Ord. 2007-04, 3-16-2010 by Ord. No. 2010-02; 3-15-2011 by Ord No. 2011-02]

A. The rate fixed and the amount to be paid for the use of the sewer shall be in accordance with the following schedule and classification for the year 2010. Thereafter, said rate and amount to be paid shall be increased as amended by Ordinance 2011-02. Thereafter, said rate shall remain the same until changed by ordinance adopted by the Township Committee of the Township of Lower Alloways Creek. The charge shall be an annual charge for a calendar year or any part thereof, due on or before December 31 for that calendar year for which it applies. The initial service charge or any increase in charge due to a change in the type of property or use shall be computed on a pro rata basis from the first day of the month following the month the connection or change is made.

The rate fixed and the amount to be paid for the use of the sewer shall be in accordance with the schedule and classification in the Code of the Township of Lower Alloways Creek, as amended February 3, 1998, except for changes in the following for the years 2001, 2002, 2003, 2007, 2010 and 2011.

TYPE OF PROPERTY	2011	2012	2013	2014	2015
Residences, Private, Single Family	\$ 500.00	\$ 600.00	\$ 700.00	\$ 800.00	\$ 900.00
Residence with Apartments each additional apartment in residence	\$ 215.76	\$ 315.76	\$ 415.76	\$ 515.76	\$ 615.76
	\$ 215.76	\$ 215.76	\$ 215.76	\$ 215.76	\$ 215.76
Rooming Houses, renting furnished or unfurnished rooms	\$ 215.76	\$ 315.76	\$ 415.76	\$ 515.76	\$ 615.76
Each room available for rent	\$ 115.44	\$ 115.44	\$ 115.44	\$ 115.44	\$ 115.44
Apartment Buildings, per apartment	\$ 205.00	\$ 305.00	\$ 405.00	\$ 505.00	\$ 605.00
Offices, trade, farm, business or any adjunct of the same, not otherwise provided for, conducted on residence premises of the sole owner of the business					
One Employee	\$ 205.00	\$ 305.00	\$ 405.00	\$ 505.00	\$ 605.00
Each additional Employee	\$ 114.00	\$ 114.00	\$ 114.00	\$ 114.00	\$ 114.00
Offices, trade, farm, business or any adjunct of the same, not otherwise provided for, not conducted on residence premises of the sole owner of the business					
One Employee	\$ 205.00	\$ 305.00	\$ 405.00	\$ 505.00	\$ 605.00
Each additional Employee	\$ 114.00	\$ 114.00	\$ 114.00	\$ 114.00	\$ 114.00
Retail stores	\$ 407.60	\$ 507.60	\$ 607.60	\$ 707.60	\$ 807.60

SEWERS

135-6

TYPE OF PROPERTY	2011	2012	2013	2014	2015
	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family
Restaurants	\$500.00	\$600.00	\$700.00	\$800.00	\$900.00
Soda Fountains; ice cream and custard stands	\$ 379.00	\$ 479.00	\$ 579.00	\$ 679.00	\$ 779.00
Gasoline Service Stations and Garages					
Without car wash	\$ 379.00	\$ 479.00	\$ 579.00	\$ 679.00	\$ 779.00
With car wash	\$ 939.00	\$1,039.00	\$ 1,139.00	\$ 1,239.00	\$ 1,339.00
	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family	Same as: Residences, Private, Single Family
Beauty parlors and barbershops plus each employee	\$500.00 \$ 130.87	\$600.00 \$ 130.87	\$700.00 \$ 130.87	\$800.00 \$ 130.87	\$900.00 \$ 130.87
Coin-operated Laundromats, per washer	\$ 170.00	\$ 270.00	\$ 370.00	\$ 470.00	\$ 570.00
Commercial washers, not coin operated, plus per washer	\$ 240.00	\$ 340.00	\$ 440.00	\$ 540.00	\$ 640.00
Public or Private institutions, museums or historic buildings, with the exception of facilities owned or operated by the Township of Lower Alloways Creek	\$ 407.60	\$ 507.60	\$ 607.60	\$ 707.60	\$ 807.60
fire halls, public schools and facilities owned or operated by the Township of Lower Alloways Creek	Exempt	Exempt	Exempt	Exempt	Exempt
Motels, per unit	\$ 156.00	\$ 256.00	\$ 356.00	\$ 456.00	\$ 556.00

LOWER ALLOWAYS CREEK CODE

TYPE OF PROPERTY	2011	2012	2013	2014	2015
	75% of Residences, Private, Single Family	75% of Residences, Private, Single Family	75% of Residences, Private, Single Family	75% of Residences, Private, Single Family	75% of Residences, Private, Single Family
Post Offices	\$375.00	\$450.00	\$525.00	\$600.00	\$675.00
Financial Institutions	\$ 519.00	\$ 619.00	\$ 719.00	\$ 819.00	\$ 919.00
Funeral Parlors	\$ 519.00	\$ 619.00	\$ 719.00	\$ 819.00	\$ 919.00
Nursing Homes	\$ 519.00	\$ 619.00	\$ 719.00	\$ 819.00	\$ 919.00
Plus for each patient bed	\$ 121.00	\$ 121.00	\$ 121.00	\$ 121.00	\$ 121.00
Day Care Center	\$ 600.00	\$ 700.00	\$ 800.00	\$ 900.00	\$ 1,000.00
Swimming Pool	\$ 850.00	\$ 950.00	\$ 1,050.00	\$ 1,150.00	\$ 1,250.00

B. In all classifications, an owner of a business working in the same shall be classified as an employee

C. Senior citizen
Deduction: Any Homeowner who has reached the age of sixty-five (65) is entitled to a senior citizen service charge as follows: 25% off the Residences, Private, Single Family Rate at the residence that they inhabit, per year, after providing proof of age to the Utility Collector. This does not apply to a tenant who may be sixty-five (65) years of age

25% off Residences, Private, Single Family	25% off Residences, Private, Single Family	25% off Residences, Private, Single Family	25% off Residences, Private, Single Family	25% off Residences, Private, Single Family
\$375.00	\$450.00	\$525.00	\$600.00	\$675.00

SEWERS

135-6

TYPE OF PROPERTY	2011	2012	2013	2014	2015
D. Disabled Homeowners					
Deduction: Any homeowner who is permanently disabled is entitled to a service charge rate as follows: 25% off the Residences, Private, Single Family Rate at the residence that they inhabit, per year, after providing proof of permanent disability to the Utility Collector. This does not apply to a tenant who may be permanently disabled.	25% off Residences, Private, Single Family \$375.00	25% off Residences, Private, Single Family \$450.00	25% off Residences, Private, Single Family \$525.00	25% off Residences, Private, Single Family \$600.00	25% off Residences, Private, Single Family \$675.00
E. Senior Citizen Disabled Homeowners					
Deduction: Any homeowner who is both a Senior Citizen and permanently disabled is entitled to a service charge rate as follows: 50% off the Residences, Private, Single Family Rate at the residence that they inhabit, per year, after providing proof of permanent disability to the Utility Collector. This does not apply to a tenant who may be a Senior Citizen and permanently disabled.	50% off Residences, Private, Single Family \$250.00	50% off Residences, Private, Single Family \$300.00	50% off Residences, Private, Single Family \$350.00	50% off Residences, Private, Single Family \$400.00	50% off Residences, Private, Single Family \$450.00
F. Churches, Fraternal or Social meeting places-					
50% of the Residences, Private, Single Family rate	50% off Residences, Private, Single Family \$250.00	50% off Residences, Private, Single Family \$300.00	50% off Residences, Private, Single Family \$350.00	50% off Residences, Private, Single Family \$400.00	50% off Residences, Private, Single Family \$450.00

§ 135-7. Treatment. [Amended 4-22-1987 by Ord. No.87-6]

The Superintendent shall, if he deems it advisable, compel the owner of the premises discharging sewage of such character that it imposes an unreasonable additional burden upon the sewerage system or sewage treatment facilities to treat such sewage in such a manner as shall be specified by the township or to install a grease trap or traps, the design and installation of which shall be approved by the Township Engineer, before the sewage is discharged into the sewerage system. Said treatment and / or installation of a grease trap or traps shall be at the sole cost and expense of the owner of the premises. A written notice shall be given by the Superintendent to any owner to treat such sewerage or install such grease trap or traps as aforesaid, and the owner shall be given sixty (60) days from said notice within which to comply with the order of the Superintendent. Upon failure to comply with such order of the Superintendent within the period of sixty (60) days, the Superintendent shall disconnect the owner from the sewerage system of the township. The owner shall not be reconnected with the sewer system until he shall have first complied with the order of the Superintendent.

§ 135-8. Refusal of right to connect.

The Superintendent shall have the right to refuse any person the right to connect into the sewer system if, in his opinion, the sewage or waste to be discharged into the township sewer system is detrimental to the health, welfare or safety of the township and the inhabitants therein.

§ 135-9. Sewer Committee.

Annually at the first meeting of the Township Committee in each calendar year, the Mayor shall appoint a Chairman and a Committee of the Township Committee, subject to ratification by the Township Committee, to be known as the "Sewer Committee," which shall exercise general supervision of the Sewer Department of said township and in conformity with the ordinances or resolutions of the Township Committee; and the Mayor shall have power to fill any vacancies which may at any time occur in said Sewer Committee.

§ 135-10. Superintendent of Public Works. [Amended 12/16/2008 by Ordinance 2008-12]

A. If the Superintendent of Public Works is appointed by the Township Committee as a full or part time township employee, then said employee shall exercise general supervision of the sewerage system(s) of the Township of Lower Alloways Creek, subject to the Sewer Committee and such ordinances and resolutions as may be passed from time to time by the Township Committee. If the duties of the Office of Superintendent of Public Works are performed by a qualified and certified individual employed by a contractor with whom the Township has contracted to provide potable water, sewerage system and public works management services, then general supervision of the sewerage system shall be the responsibility of the contractor subject to oversight by the Sewer Committee and to such ordinances and resolutions as may be passed from time to time by the Township Committee. When the term "Superintendent" shall be used in this Chapter, it shall be interpreted to mean the "Office of Superintendent of Public Works" as detailed in § 32-12 of the Township Code.

§ 135-11. Maintenance of books and collection of charge.

The Township Utility Collector shall have charge of all the books of the Sewer Department and collection of the connection and disconnection fees and the billing and collection of sewer service charges.

§ 135-12. Connection permit applications and issuance.

All applications for connection to the sewer system, or for the extension of any private pipe for the conveyance of such sewerage, or the changing of any fixture already installed under a previous permit, must be made in writing to the Superintendent on forms supplied by him at the expense of the township and shall be made at least three (3) days before ground shall be broken for the purpose, or before work shall be commenced; and after the owner of the premises or his or her properly authorized agent shall have paid the connection fee, signed such application and produced a copy of a plumbing permit for the work and street open permit if required. The Superintendent or his duly authorized agent may issue a pre-numbered permit, in triplicate, for the sewer connection, in which permit the date, name of the owner of the premises to be supplied and to whom issued, the location of said premises, the name of the person or corporation or plumber employed to do the work, the purposes for which the premises is to be used, the number of families occupying the premises and the rate to be charged therefore shall be specified, and the Township Superintendent shall keep a copy of the permits so issued and the name of the person so contracting for the sewerage service. A copy shall be given to the owner, and a copy shall be given to the Utility Collector. The Superintendent shall also notify the Township Engineer that an opening is to be made and give the address. Upon demand, said application shall be accompanied by proof that the applicant is the owner of the land across which pipes are to be laid and the premises to be served.

§ 135-13. Standards for connection with sewerage system. [Amended 11-5-1984 by Ord. No.84-26]

All applications for connection with the sewerage system of the township shall be accompanied by a plan and general description of the exterior and interior service required; no more than one (1) premises shall be connected through one (1) pipe to the sewer main. All design, work and materials for connection to the sewer system must comply with the Plumbing Code of the New Jersey Uniform Construction Code. In addition, no connection from the sewer to the wall of the house shall be of a diameter of less than four (4) inches, and the pipe shall be PVC, SDR-35, PVC Schedule 40, ABS Schedule 40, or cast-iron sewer pipe. Every building sewer connected with the sewer system must be solidly laid on a true grade and as nearly as possible on a straight line. All changes in direction must be made with a properly curved pipe or fittings. No trap or obstruction to the free flow of sewage will be permitted between the sewer and the wall of the house. The Superintendent or his representative must inspect the completed connection and line from the building to the riser or main before any lines are covered over. No person, corporation or plumber shall, without a permit from the Superintendent, form any connection or communication whatever with said sewer lines or break ground for that or for any other similar purpose or make any attachment or do anything otherwise than that is specified in his, her or its permit.

§ 135-14. Standards for connection of fixtures with sewer pipes or drains.

Every connection of a toilet, sink, basin or other vessel with a sewer pipe or drain must comply with the Plumbing Code of the Uniform Construction Code.

§ 135-15. Certain wastes restricted.

A. It shall be unlawful to throw or deposit in any vessel or receptacle connected with the sewers, any garbage, vegetable parings, ashes, cinders, rags or any other matter whatsoever, except the necessary collections of toilets and liquid house slops, or to allow any rainwater or drainage from roofs, surface or subsurface or cellars to drain or enter any sewer, branch or fixture. This section shall not apply to the refuse from a food waste disposer. In addition, none of the following materials shall be discharged into the sewer system:

- (1) Any industrial wastes.
- (2) Soil drainage water from sump pump or floor drain.
- (3) Pumpings from septic systems.
- (4) Certain domestic wastes prohibited

(a) Any domestic waste containing unduly high concentration of substances which will interfere with the normal operation of the sewage treatment plant of the township is prohibited and shall be grounds for revocation of the permit pursuant to this subsection. The concentration of these substances shall be determined by analysis of the sewage treatment inflow and shall not exceed the following requirements:

[1] Substances.

- [a] Temperature: one hundred fifty degrees Fahrenheit (150° F.).
- [b] Total solids: five thousand (5,000) parts per million.
- [c] Phenols: five-thousandths (0.005) parts per million.
- [d] Cyanide as CN: two and zero-tenths (2.0) parts per million.
- [e] Chromium as Cr: three and zero-tenths (3.0) parts per million.
- [f] Copper as Cu: one and zero-tenths (1.0) part per million.
- [g] Iron as Fe: five and zero-tenths (5.0) parts per million.
- [h] Nickel as Ni: three and zero-tenths (3.0) parts per million.
- [i] Zinc as Zn: two and zero-tenths (2.0) parts per million.
- [j] Boron as B: one and zero-tenths (1.0) part per million.
- [k] Lead as Pb: one-tenth (0.1) part per million.
- [l] Ether soluble matter: ten and zero-tenths (10.0) parts per million.
- [m] Arsenic as As: four and zero-tenths (4.0) parts per million.
- [n] Aluminum sulphate: ten and zero-tenths (10.0) parts per million.

[2] Surface-active agents of synthetic detergents shall be of an approved type, with high degree of biodegradability.

(b) The analysis to determine the concentration of the above substances shall be performed by a representative of the township or such testing firm as might be designated by the township.

(5) Any water or waste, which in the opinion of the Director of Public Works, contains any toxic substance in quantity sufficient to constitute a hazard to humans or animals or to interfere with the biochemical process of the sewage treatment plant in such condition so that it will exceed state, federal or other valid requirements for the receiving stream.

§ 135-16. Duty to close sewer branch.

It shall be unlawful for any plumber or other person to leave any sewer branch open overnight, or during a rain, but it shall be his duty to plug and cement, or close by other method approved by the Superintendent.

§ 135-17. Correction of hazardous condition.

Should a leak, stoppage or other disruptive condition occur in a sewer line which is a user's responsibility to keep in good working order, and should an inspector from the Township or County Department of Health declare that such condition is a threat to the health of the community, then after twenty-four (24) hours' written notice to the user, the Township

of Lower Alloways Creek shall have the right to have its employees or privately employed workmen correct the condition and to assess the cost of said correction as a lien or charge upon the premises, in the same manner as unpaid fees for the use of the township's sewer system become a lien against the premises, without further action by the township. For the purposes of this section, "user" shall be defined as any individual, organization, association or other entity which owns real estate on which premises are connected to the township's sewage collection system. The user's responsibility for maintenance of the sewer system shall commence with the place of connection to the sewage collection mains and continue throughout the length of each user's sewer laterals to each of the plumbing fixtures within the connected building.

§ 135-18. Disconnection upon demolition of building.

Before demolition of any building that is connected to the sewage system a permit must be obtained for disconnection to the sewer system. Said permit shall be issued by the Superintendent upon application, and payment of twenty-five dollars (\$25) fee to the Utility Collector. Said disconnection must occur prior to the demolition of the building. Any excavation within ten (10) feet of a riser and the actual disconnection shall be made in the presence of the Superintendent or his duly authorized representative.

§ 135-19. Definitions.

In the enforcement of this chapter, the following definitions shall apply:

APARTMENT Any premises housing more than one (1) family.

AQUATIC LIFE -The aggregate of organisms in a body of water .

BOD (BIOCHEMICAL OXYGEN DEMAND) -The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.). The standard laboratory procedure shall be found in the latest edition of Standard Methods For the Examination of Water and Wastewater , published by the American Public Health Association.

CHEMICAL OXYGEN DEMAND (COD) -A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of *oxygen* consumed from a chemical oxidant In a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand; also known as "OC" and "DOC," oxygen consumed and dichromate oxygen consumed, respectively.

CHLORINE DEMAND -The difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

COMPOSITE SAMPLING -A combination of individual samples of water or wastewater taken at selected intervals, generally hourly, for some specific period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling, based on New Jersey State Department of Environmental Protection standards as exist or may be modified.

CONCENTRATION -The amount of given substance dissolved in a unit volume of solution, usually by evaporation of the liquid.

DISSOLVED SOLIDS -The anhydrous residues of the dissolved constituents in water or wastewater.

DOUBLE HOUSE -Considered as two (2) premises, or apartments, depending upon the number of families housed.

EFFLUENT -Wastewater or other liquid, partially or completely treated, or in its natural state, flowing out of a reservoir, basin, treatment plant or industrial treatment plant or part hereof.

INDUSTRIAL USER -An industry that discharges an effluent of treated, partially treated or waste in its natural state into the township sewer system, or a commercial business discharging any waste limited or prohibited under § 135-6 hereof.

INDUSTRIAL WASTEWATER -Solid, liquid or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process in the course of development, recovering or processing of natural resources but not residential sewage.

MANHOLE -A shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

MEASURING DEVICES -A system in which meters are used at all strategic points on main supply lines, pumping stations, reservoir outlets, connections to other political subdivisions and at each consumers service.
mg/l -Milligrams per liter.

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION -The state agency that is responsible for the administration and control of the waters of the State of New Jersey and effluents discharged into the same.

PEAK DISCHARGES -The maximum quantity that occurs over a relatively short period of time; also called "peak demand," "peak load."

PREMISES -Any property owned by an individual or corporation, no part of which is used for human habitation; or if inhabited, a single house or one-half (1/2) a double house, housing only one (1) family.

PH -The logarithm of the reciprocal of the hydrogen ion concentration and indicates the degree of acidity or alkalinity of a substance. An established "pH" which does not change beyond the specified limits when the waste is subjected to aeration. It shall be determined by the standard method.

SAMPLES -A portion of flow measurement to obtain an adequate portion of water or waste for analytical purposes; may be designed for taking single sample (grab) composite sample or a periodic sample.

SANITARY SEWER -A sewer which carries sewage and / or authorized industrial wastes and into which storm, and ground waters are not intentionally admitted.

SEWAGE -Any substance that contains any of the waste products or excretations or other discharge from the bodies of human beings or animals.

SEWAGE TREATMENT FACILITIES -An arrangement of devices and structures equipped for treatment and disposal of wastes.

SLUG -Any discharges of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

STANDARD METHOD -A standard procedure to identify or test every parameter or pollutant specified in this chapter in accordance with the current Standard Method for the Examination of Water and Wastewater, published by the American Public Health Association and / or test procedures described in 40 CFR 136.3 and any procedures amendatory or supplemental thereto.

STORMWATER -The portion of the precipitation which runs off over the surface during a storm and for such a short period following a storm as the flow exceeds the normal or ordinary runoff.

SUPERINTENDENT -The Superintendent of Public Works or his duly authorized designee.

TOTAL SOLIDS -The sum of dissolved and undissolved constituents in water or wastewater.

TOWNSHIP -The Township of Lower Alloways Creek, County of Salem, State of New Jersey.

TOWNSHIP SEWERAGE SYSTEM -All facilities owned and / or operated by the township, which are used for collecting, pumping, transporting, treating and disposing of sewage; also referred to, and the same as, "sewer system."

TOXIC SUBSTANCE -Any noxious and / or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in any sewerage system or in the receiving waters of a sewage treatment plant.

WASTE -Something that is superfluous or rejected; something that can no longer be used for its originally intended purpose.

§ 135-20. Violations and penalties.

A. For each and every violation of any provision of this chapter, the owner, building contractor or other person interested as general agent, plumber, tenant or any other person or corporation who commit, take part or assist in any violation of this chapter or who maintain any building or premises in which any violation of this chapter shall exist shall for each and every violation be imprisoned in the county jail for a period of not exceeding ninety (90) days or be fined in an amount not exceeding five hundred dollars (\$500), or both, at the discretion of the court before which a conviction may be had. Each and every day that such violation continues shall be considered a separate and distinct violation of this chapter.

B. In addition to the penalty prescribed above, any person, company or corporation violating this chapter or any provision or section thereof may be proceeded against by the Township of Lower Alloways Creek by appropriate action or by proceeding in equity or otherwise to enjoin any violation of this chapter or to prevent and enjoin any threatened violation of this chapter.

CHAPTER 138
STREETS AND SIDEWALKS

Article I
Street Closings

- § 138-1. Authorization to close streets.**
- § 138-2. Notification of police; posting of signs.**
- § 138-3. Exceptions.**
- § 138-4. Violations and penalties.**

Article II
Street Openings

- § 138-5. Restrictions; permit required.**
- § 138-6. Application procedure.**
- § 138-7. Responsibilities of permit holder.**
- § 138-8. Duties of the Superintendent of Public Works.**
- § 138-9. Construal of provisions.**
- § 138-10. Exceptions for township or township agencies.**
- § 138-11. Exceptions for private property owners.**
- § 138-12. Utilities.**
- § 138-13. Violations and penalties.**

ARTICLE III
Engine Braking Prohibited

- § 138-14. Definitions**
- § 138-15. Prohibition.**
- § 138-16. Exceptions**
- § 138-17. Posting of Signs**
- § 138-18. Violations and Penalties.**
- § 138-19. Severability.**
- § 138-20. Effective Date.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. 1, 9-21-1979 as Ord. No. 79-42; Art. II, 12-7-1993 as Ord. No. 93-22. Section 138-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Superintendent of Public Works -See Ch. 32, Art. VI.

Parking for the handicapped-See Ch. 1 24.

See Ordinance No. 2009-06 5/18/09 [Harasta Road Speed Limit set at 15 (fifteen) MPH]

Article I**Street Closings**

[Adopted 9-21-1979 as Ord. No. 79-42]

§ 138-1. Authorization to close streets.

The Township Committee herewith authorizes the Mayor to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on such days and during such specified hours as the Mayor deems appropriate for the preservation of the public safety, health or welfare.

§ 138-2. Notification of police; posting of signs.

Whenever said Mayor promulgates regulations pursuant to this Article, the Township Police Department shall be notified of the same. Said regulations shall provide for posting of proper warning signs of said closing of any street or portion thereof during the time the same is closed.

§ 138-3. Exceptions.

The closing to motor vehicles of any such streets shall not be applicable to emergency vehicles, nor shall the same prevent the proper entrance or exit of motor vehicles going to or from the homes of the owners or places of business located on such streets.

§ 138-4. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Unless another penalty is expressly provided by New Jersey statutes, every person convicted of a violation of a provision of this Article or any regulation promulgated hereunder shall be liable to a penalty of not more than three hundred dollars (\$300.) or imprisonment for a term of not more than ninety (90) days, or both.

Article II**Street Openings**

[Adopted 12-7-1993 as Ord. No. 93-22]

§ 138-5. Restrictions; permit required.

No person, as defined by law, shall dig, open or excavate any public street or way under the jurisdiction of this township unless the requirements of this Article have been met and a permit obtained therefor.

§ 138-6. Application procedure.

The following procedure shall be followed in order to obtain the permit required by this Article:

A. A written application on the approved township form shall be submitted with all the information required by including a map or sketch showing the size and location of the intended work.

B. A fee shall be paid to the township for each opening in the amount of fifty dollars (\$50.) to cover the costs of administration of the issuance of the permit. A deposit is to be placed in escrow with the Financial Officer to satisfy the cost of professional services incurred by the township related to the review and enforcement of the work requirements of this Article in each case. The deposit shall be in the amount of three dollars (\$3.) per square foot of the surface area opened, with a minimum deposit of two hundred dollars (\$200.). The escrow fund may be required to be replenished to such sum as funds are expended from the deposit. Upon completion of the work and filing of the required maintenance bond or abandonment of the permit, the balance of funds not needed for the purpose of the deposit shall be returned to the depositor together with a statement of the funds utilized.

C. A performance guaranty in a form and terms approved by the Township Solicitor shall be filed to insure the proper restoration of the opening. The guaranty shall be in the amount of the estimated cost of the work according to a schedule approved by the township.

D. Upon completion of the restoration, the performance guaranty shall be substituted by a maintenance guaranty to secure the maintenance of the restoration for the period of one (1) year. The amount of this guaranty shall be twenty-five percent (25%) of the amount of the performance guaranty.

§ 138-7. Responsibilities of permit holder.

A. The permit holder shall, with respect to each opening for which the permit is issued:

(1) Have the opening made promptly and the material taken placed in a manner so as not to obstruct any traffic.

(2) Provide sufficient barricades and sign notice of the opening to warn motorists or other persons who may be affected by its presence in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. This protection shall be provided from opening to the time of restoration.

B. Excavation shall be accomplished in accordance with plans approved by the Superintendent of Public Works.

C. Except in a case of emergency, the applicant shall give at least two (2) working days' notice to the Township Superintendent of Public Works of its intention to open the area

involved. If the work will involve interference with water, sewer or connections to buildings, the permission of those persons or agencies affected will be obtained before commencing or continuing with the work, as the case may be.

D. Except in the case of emergency, no openings shall be performed on a Saturday or Sunday.

E. The opening shall be properly closed as soon as possible and no later than the time specified in the permit.

(1) Backfilling.

(a) The opening will be completely backfilled and as much of the excavated material as possible replaced and compacted with tamping equipment and added material supplied when required.

(b) If the excavated material is unsuitable, according to the Superintendent of Public Works, for backfilling, select backfill material will be provided, and any excess material will be removed from the site.

(2) Compacting. Material shall be placed in layers not in excess of six (6) inches, moistened as necessary and each layer tamped for thorough compacting.

(3) Restoration.

(a) If in an earth shoulder, the top four (4) inches shall be restored with material capable to grow grass, and the permit holder shall fertilize and seed the surface.

(b) If a gravel pavement, the top twelve (12) inches shall be filled with compacted, state-approved I-5 road gravel. In case of a penetrated macadam road (broken stone of various size), the broken stone may be placed in the top of the opening similar to the original pavement and covered with two and one-half (2-1/2) inches of hot-mixed bituminous concrete.

(c) In the case of a gravel-based bituminous concrete, the surface shall be replaced with eight (8) inches of compacted, state-approved I-5 gravel covered with two and one-half (2-1/2) inches of bituminous stabilized base, mix I-2, and two and one-half (2-1/2) inches of bituminous concrete surface course, mix I-5, top pavement or surface and base similar to existing road, whichever is greater. Tack coat shall be applied to all of the existing edges.

(d) In the case of a bituminous-treated gravel road, the surface shall be restored with twelve (12) inches of compacted, state-approved I-5 gravel covered with two and one-half (2-1/2) inches of bituminous concrete surface course, mix I-5.

(e) In the case of a concrete surface, a concrete foundation shall be constructed, and the permit holder shall restore the reinforcement and pavement as prescribed by the Superintendent of Public Works.

(f) In the case of a special condition, the opening shall be restored as prescribed by the Superintendent of Public Works.

(g) In either case, if the township is required to restore the opening, the final charge based on the schedule of costs shall be paid by the permit holder.

F. Maintenance. The restoration shall be maintained by the permit holder for a period of one (1) year.

§ 138-8. Duties of the Superintendent of Public Works.

The Superintendent of Public Works, or his duly appointed designee, shall perform the following:

- A. Receive applications, fees and bonds.
- B. Inspect the sites, openings and protective devices.
- C. Inspect the closing and restoration and inspect maintenance.
- D. Give notices of failures or neglect.
- E. Make and pursue complaints for violations.
- F. Make recommendation from inspections, including the release of bonds.

§ 138-9. Construal of provisions.

The provisions of these requirements shall not be construed to relieve the permit holder from any responsibility of its agents or contractors from any damage or liability to any person or property arising out of the performance of the permit work.

§ 138-10. Exceptions for township or township agencies.

In work undertaken by the township or its agencies, only §138-6A shall apply. Section 138-6B, C and D shall not apply.

§ 138-11. Exceptions for private property owners.

The application and permit requirements for issuance of this Article shall not apply to the installation of curb, gutter and/or sidewalk by private property owners who are constructing said work under the requirement of other ordinances or codes.

§ 138-12. Utilities.

Public utilities companies may be authorized, instead of placing individual performance and maintenance bonds, to give a combination bond in the amount of five thousand dollars (\$5,000.) and keep it in effect on a continuing basis. Such bond shall provide acceptable surety and be in terms and form approved by the Township Solicitor.

§138-13 Violations and penalties.

A person who violates or fails to comply with the requirements of this Article shall be subject, upon conviction, to the payment of a fine in an amount up to five hundred dollars (\$500.) or imprisonment for up to ninety (90) days, or both. In addition, the court may impose a sum of restitution to satisfy the costs and expenses of completing the requirements hereunder which may be expended by the township to assure such compliance.

Article III**Prohibiting "Engine-Braking"**

[Adopted July 15, 2008 as Ordinance 2008-08]

§ 138-14. Definitions

- a. "Engine Braking" shall mean the use or operation of any exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

§ 138-15. Prohibition.

- a. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated, at any time and on any road within the Township of Lower Alloways Creek Township A mechanical exhaust or decompression device which results in the practice know as "engine braking"

§ 138-16. Exceptions

- a. The provision of this Chapter shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression Brakes otherwise known as engine braking, which is effectively muffled or if the application is necessary to the health, safety and welfare of the community is exempt from the provisions of this Chapter. Such sounds created by emergency vehicles are also exempt.

§ 138-17. Posting of Signs.

- a. The Township is hereby authorized to post at reasonable locations within the Township signs indicating the prohibition of "engine braking".

§ 138-18. Violations and Penalties.

- a. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars (\$100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars (\$200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

§ 138-19. Severability.

a. Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter, or its application to a specific person or set of circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter, or its application to any other person or set of circumstances.

§ 138-20. Effective Date.

a. This Ordinance shall take effect upon final passage and publication in accordance with the law.

1) That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

2) This Ordinance shall take effect upon adoption and publication according to law.

CHAPTER 144

TOWING

- § 144-1. Approval.
- § 144-2. Qualifications for inclusion on approved list; waiver.
- § 144-3. Amendments to list.
- § 144.4. Fees for towing and/or storage.
- § 144-5. Procedure for township-requested tows.
- § 144-6. Rules for approved operators.
- § 144-7. Rotation of calls.
- § 144-8. Report to Township Committee.
- § 144-9. Fees for towing and/or storage.
- § 144.10 Oversized vehicle tows.
- § 144.11. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-26-1995 as Ord. No. 95-14, substantially amended by Ord. No. 2010-05. Amendments noted where applicable.]

§ 144-1. Approval.

The Lower Alloways Creek Township Public Safety Director or Chief of Police are authorized and directed to solicit applications for approved towing operators to conduct motor vehicle towing and storage within the Township of Lower Alloways Creek. The said Chief or Public Safety Director shall prepare the appropriate application form, to be completed on an annual basis by any person or company wishing to undertake towing and/or storage in the Township of Lower Alloways Creek. The aforesaid list of approved operators may be modified by adding or deleting an operator or operators during the course of the year in accordance with the provisions of this ordinance.

[Amended 5/17/2010 by Ord. No. 2010-05]

§ 144-2. Qualifications for inclusion on approved list; waiver.

A. Operators on the approved list shall be required to maintain the following minimum qualifications:

(1) All operators must own at least one (1) conventional tow truck in addition to other equipment, which is necessary to provide safe and efficient towing. Each tow vehicle must have the name of the towing operator and his phone number on the side of the vehicle.

(2) All operators' trucks must be equipped with radio communication or cell phones enabling them to maintain contact with their place of business.

- (3) All operators' trucks shall be equipped with brooms and shovels for the purpose of clearing debris from the roadways.
- (4) All operators shall have operating telephone equipment at their place of business.
- (5) Each operator shall either own or have an appropriate arrangement with a storage facility. No operator shall store vehicles unless the storage area is lighted, fenced and secured.
- (6) All operators shall carry commercial automobile liability insurance (including bodily injury and property damage liability) with combined single limits of not less than \$500,000 and garage keepers liability (specifically endorsed to cover vehicles in tow) in an amount of not less than \$30,000 per accident. All storage facility operators shall have garage liability insurance with combined single limits of not less than \$500,000. The Township shall be given a certificate or certificates evidencing such coverage, which certificate shall contain a provision requiring advance notice to the township prior to any cancellation or revision.
- (7) Each operator shall provide the name, driver's license number and social security number for each person authorized to operate the particular towing vehicle furnished by the approved operator.
- (8) All operators shall have business cards available for delivery to the owner of the vehicle being towed, which card shall contain the operator's name, New Jersey business registration number, address and telephone number where the operator can be contacted.
- (9) Every operator shall respond to a call for assistance within 20 minutes of receiving the call if the operator agrees to provide assistance. If the operator is not able to respond within 20 minutes, then the operator shall decline to provide service for that call.

B. The Township Committee may grant a waiver to any of the prerequisites required under Subsection A, provided that the operator makes an application to the Committee and the Committee determines that the operator will provide an acceptable alternative to the requirement for which the waiver is sought.
[Amended 5/17/2010 by Ord. No. 2010-05]

§ 144-3. Amendments to list.

The Director of Public Safety or the Chief of Police shall prepare a list of all approved operators, and may add names to this list if said operators meet the appropriate qualifications. The Director of Public Safety or the Chief of Police may also delete names from the list when an operator fails to perform properly or fails to continue to meet the basic requirements, but no deletion shall occur without notice to the operator and the opportunity for a hearing before the Chief of Police or Director of Public Safety. The decision of the Director of Public Safety or Chief of Police may be appealed to the Township Committee.

§ 144-4. Fees for towing and/or storage.

All operators placed on the approved list shall charge fees for towing and/or storage services, which do not exceed the amounts established in N.J.S.A. 40:48-2.49 and 2.50 when providing towing and/or storage services for Lower Alloways Creek Township, the Township Police Department, or any other public agency. Fees charged to vehicle owners for which the Township is not liable, shall be in accordance with the fees established in this ordinance.

§ 144-5. Procedure for township-requested tows.

A. Abandoned and unclaimed motor vehicles shall be disposed of and sold as the case may be in accordance with the provisions of N.J.S.A. 39:10A-1, et seq.

B. When an operator tows an abandoned vehicle at the request of the Township of Lower Alloways Creek, the required reports pursuant to N.J.S.A. 39:10A-1a shall be prepared by such operator and immediately furnished to the Chief of Police, or his designee, who shall thereupon immediately report the same to:

- (1) The Director of the Division of Motor Vehicles; and
- (2) The National Automobile Theft Bureau.

C. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3 shall have remained unclaimed by the owner or other person having a legal right thereto for a period of fifteen (15) business days, even if at that time the owner has not been identified as a result of efforts to make identification by the Police Department or the Division of Motor Vehicles, the operator having possession of said vehicle shall, within three (3) business days thereof (i.e., the 18th day), notify the Chief of Police, in writing, that the vehicle remains unclaimed and may request that the vehicle be sold pursuant to N.J.S.A. 39:10A-1b.

D. When a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3 remains unclaimed by the owner or other person having a legal right thereto for a period of twenty (20) business days, the operator having possession of said vehicle shall, within three (3) business days thereof (i.e., the 23rd day), notify the Chief of Police, in writing, that the vehicle remains unclaimed and may request that the vehicle be sold in accordance with N.J.S.A. 39:10A-1c.

E. When a motor vehicle in possession of an operator is reclaimed by the owner or person entitled thereto or upon such other disposition with respect to the vehicle, the operator shall, within three (3) business days of any such disposition, notify the Chief of Police in writing thereof.

§ 144-6. Rules for approved operators.

- A. Approved operators shall respond to a call by arriving at the vehicle in need of a tow within 20 minutes of accepting the call and agreeing to provide service.
- B. If an approved operator agrees to provide service in response to a dispatch call, then the response shall be immediate in an emergency situation.
- C. Approved operators shall not permit a vehicle to be removed without proper authorization.
- D. Approved operators' drivers shall request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- E. Approved operators shall be courteous to all persons authorized to be at the scene of a tow, including but not limited to police, emergency personnel, motor vehicle operator and passengers.
- F. Approved operators shall be subject to additional rules and regulations as may be promulgated by the Township Committee.

§ 144-7. Rotation of calls.

The approved list shall be utilized by the Police Department to provide towing services. To the extent practical, the Police Department shall call the operators in sequential rotation so that every towing operator is given an equal opportunity to provide services. Officers on the scene may use their discretion when deviating from the normal rotation, if such deviation is practical and reasonable based on the accident location, sequential operator availability, and proximity of the vehicle or vehicles in question to an approved operator. Nothing in this chapter shall be construed to preclude the owner of any vehicle from requesting service from either an approved operator of the owner's choice, or a towing contractor not on the approved list. The owner's discretion may be utilized so long as that discretion shall not result in an unreasonable delay or interference with the normal flow of traffic such as to constitute a hazard.

§ 144-8. Report to Township Committee.

The Police Department shall, on an annual basis, provide the Township Committee with a report as to the quality of the services provided by those operators on the approved list.

§ 144.9 Fees for towing and/or storage.

A. Except as limited by State statute for charges that may be assessed against a government entity, the maximum permissible towing charge shall be \$110 to provide a properly equipped towing vehicle at the scene where the vehicle to be towed is located. Thereafter, the maximum additional fee shall be \$3 per mile to the location where the vehicle is to be taken. If the call for service is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, Holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be \$125, and \$3 per mile may be charged for delivery of the vehicle to the location agreed.

B. Other than the charges previously detailed for services requested by a government entity, the maximum permissible storage charge shall be \$40 per day for outside storage and \$50 per day for inside storage, which fee may be charged for the day of the tow plus four (4) additional days. Thereafter, the maximum storage fee shall be \$10 per day regardless of whether said vehicle is stored inside or out.

C. For vehicles in storage as the result of police impound or request from an authorized government entity such as a police officer or department, the maximum shall be \$3 per day for the first 30 days and \$2 per day thereafter up to a maximum total of \$400.

D. If the cleanup or removal of roadway debris is required, then the responding approved operator may charge an additional fee of \$30.

E. The relationship between approved operators and Lower Alloways Creek Township is one of independent contractor. Approved operators shall not be construed in any manner to be employees or agents of the Township. Each approved operator on the list agrees to defend, indemnify and save harmless the Township and its officials, employees and agents from and against any suits, actions, damages, claims, fees, costs, expenses, including attorneys' fees, fines or penalties to which the Township may be subject of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of service provided at the request of the Township or any authorized person or entity acting on behalf of the Township.

§ 144.10 Oversized vehicle tows.

If no approved operator has suitable equipment to tow large or specialized vehicles, then the police or other Township employee may contact a non-approved operator to tow a large or specialized vehicle within the Township. Specialized towing operators shall not be bound by the towing and storage fees set forth in this ordinance unless the request for towing and the financial responsibility for towing and storage is agreed in advance to be the responsibility of Lower Alloways Creek Township. In the event the Township shall be responsible for towing and/or storage, then such specialized operator agrees that the fees established in this ordinance shall be the maximum fees allowable.

§ 144-11. Violations and penalties.

Any person who shall violate this chapter or any of its provisions shall, upon conviction thereof, be subject to a fine not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.

CHAPTER 147
TRAILERS AND MOBILE HOME PARKS

Article I
Location of Trailers

- § 147-1. Parking of residential and construction trailers.
- § 147-2. Violations and penalties.

Article II
Travel and Construction Trailers

- § 147-3. Construction trailers.
- § 147-4. Notification of Clerk prior to placement.
- § 147-5. Fee.
- § 147-6. Violations and penalties.
- § 147-7. Travel trailers.

Article III
Licensing of Mobile Home Parks

- § 147-8. License fee; monthly unit fees.
- § 147-9. Payment of fees; bond required.
- § 147-10. Maximum capacity of parks.
- § 147-11. Violations and penalties.
- § 147-12. Revocation of license.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 3-2-79 as Ord. No. 79-7; Art. II, 2-4-72 as Ord. No. 72-2, amended in its entirety 5-6-77 by Ord. No. 77-20; Art. III, 3-3-72. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Vehicles and traffic—See Ch. 151.
Zoning—See Ch. 156.

Article I
Location of Trailers
[Adopted 3-2-79 as Ord. No. 79-7]

§ 147-1. Parking of residential and construction trailers.

No trailer intended for residential purposes or otherwise shall be parked or placed on any property or street anywhere in the Township of Lower Alloways Creek unless the same is parked or placed in a trailer park or unless it is permitted by Article II of this chapter, as amended, for storage or as a construction trailer, or unless it is a travel trailer or motor home and is permitted as a temporary dwelling under the provisions of § 156-18C of the Zoning Ordinance of the Township of Lower Alloways Creek* and a zoning permit has been issued and complied with.

§ 147-2. Violations and penalties.

Any person violating the provisions of this Article shall pay a fine of twenty-five dollars (\$25.) for each offense. Each day that the trailer shall be permitted in said township in violation of this Article shall be considered as a separate or additional violation.

Article II
Travel and Construction Trailers
[Adopted 2-4-72 as Ord. No. 72-2; amended in its
entirety 5-6-77 by Ord. No. 77-20]

§ 147-3. Construction trailers.

Construction trailers shall be permitted on the jobsite only. Said "construction trailer" shall be any trailer used for office space, storage of equipment, change-in rooms or work space, etc.

§ 147-4. Notification of Clerk prior to placement.

No person shall place a construction trailer on the jobsite without first notifying the Clerk of the Township Committee.

§ 147-5. Fee.

There shall be charged and collected by the Township Clerk a fee for services and inspection of two dollars (\$2.) per month for each trailer on the jobsite for a full month or any part thereof, which shall be paid in advance.

*Editor's Note: See Ch. 156, Zoning.

§ 147-6. Violations and penalties.

Any person who shall violate any provision of this Article shall pay a penalty of twenty-five dollars (\$25.) per day per trailer as long as the violation exists.

§ 147 -7. Travel trailers.

A. Travel trailers shall be permitted as accessory uses in all agricultural and residential zones in the township, provided that such trailers are:

- (1) Located to the rear of the principal building.
- (2) Used for storage purposes only.
- (3) Owned by the occupant of the principal use.

B. For purposes of this Article, a "travel trailer" shall be defined as a structure that may be attached to or on a vehicle for the purpose of providing temporary shelter for vacations only.

Article III
Licensing of Mobile Home Parks
[Adopted 3-3-1972]

§ 147 -8. License fee; monthly unit fees.

A. The annual fee for a license to maintain or operate a mobile home park, issued pursuant to the Zoning Ordinance for Lower Alloways Creek Township* by the Township Committee, shall be twenty-five dollars (\$25.) per year, payable on or before the issuance of such license and on or before each annual renewal of said license.

B. In addition to the aforesaid fee, there shall be an additional fee of forty dollars (\$40.) per calendar month for each mobile home space occupied in excess of one (1) week during the previous calendar month. [Amended 4-18-2007 by Ord.No.2007-05]

§ 147-9. Payment of fees; bond required.

Said fees shall be paid to the Treasurer of the Township of Lower Alloways Creek, and, in addition, each licensee shall deposit with the Treasurer of the Township of Lower Alloways Creek, on or before the issuance of the annual license or renewal thereof, a bond in the sum of one thousand dollars (\$1,000.), conditioned for the payment of such monthly unit fee and for further compliance with this Article.

*Editor's Note: See Ch. 156, Zoning.

§ 147-10. Maximum capacity of parks.

No license shall be issued for more than fifteen (15) mobile homes in any one (1) mobile home park.

§ 147-11. Violations and penalties.

Any person found guilty of violating any provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment for a term not exceeding ninety (90) days, or both, and every day such violation exists shall constitute a separate offense and be punishable as such hereunder.

§ 147-12. Revocation of license.

In addition to or in lieu of the preceding penalties, the license of any person who violates this Article or the terms of the Lower Alloways Creek Zoning Ordinance* regarding mobile home parks shall be subject to revocation by the Township Committee of Lower Alloways Creek Township after hearing upon ten (10) days' prior notice to the licensee, which notice may be served personally or by certified mail to the licensee's last known mailing address.

*Editor's Note: See Ch. 156, Zoning.

CHAPTER 151
VEHICLES AND TRAFFIC

[A comprehensive revision of the traffic regulations of the Township of Lower Alloways Creek was under review by the New Jersey Department of Transportation at the time of completion of this volume. Upon approval by the Department of Transportation and adoption by the municipality, the Traffic Ordinance will be inserted here.]

CHAPTER 153

WASTE & RECYCLING SEPARATION AND COLLECTION

Article I General Provisions

- § 153-1. Title.
- § 153-2. Definitions.
- § 153-3. Program established.
- § 153-4. Mandatory Source Separation and Recycling Requirements.
- § 153-5. Separation and placement of other recyclables.
- § 153-6. Leaves and grass clippings.
- § 153-7. Enforcement.
- § 153-8. Exemptions.
- § 153-9. Non-institutional residential collection.
- § 153-10. Receptacles.
- § 153-11. Collection by unauthorized persons.
- § 153-12. Rules and Regulations
- § 153-13. Construction, Renovation and Demolition Debris Recovery Plan
- § 153-14. Violations and penalties.

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- § 153-15. Definitions.
- § 153-16. Recycling area required; dimensions.
- § 153-17. Location of recycling area.
- § 153-18. Lighting; accessibility; protection from theft.
- § 153-19. Protection against environmental conditions.
- § 153-20. Signs.
- § 153-21. Landscaping.
- § 153-22. Prohibition of the collection of waste mixed with recyclable materials
- § 153-23. Compliance with Diversion Requirement
- § 153-24. Violations and penalties

[HISTORY : Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 8-21-1990 as Ord. No.90-12* ; Art. II, 6-21-1994 as Ord. No.94-5. Amendments noted where applicable.]

*Editor's Note: This ordinance superseded former Ch. 153, Waste Separation and Collection, adopted 2-20-1984 as Ord. No.84-3.

GENERAL REFERECES

Housing & Standards--See Ch. 99.

Litter and Junk--See Ch 104.

Sewage disposal--See Ch 180.

Solid Waste Code--See Ch. 182.

Article I

General Provisions

[Adopted 8-21-1990 as Ord. No.90-12]

§ 153-1. Title.

This Article shall be known as the "Lower Alloways Creek Township Recycling and Waste Ordinance."

§ 153-2. Definitions. [Amended 11-20-07 by Ordinance 2007-14, 12-16-08 by Ordinance 2008-11, 06-15-10 by Ordinance 2010-07]

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section and in N.J.S.A.13:1E-99.12.

ALUMINUM -All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BULK ITEMS– All items which, cannot or do not fit in a regular Trash Container or Recycling Container because of its size, dimensions, or proportions such as, but not limited to: Washer/Dryer, Stove, Dishwasher, TV, Console TV, Mowers, Furniture, Refrigerator – (door removed), Freezer – (door removed), Hot Water Tank, Large Mattress, Doors, Furnace, Bath Vanity, Toilet, Sink, Bath Tub, Mirror, Couch/Recliner, Tables, Chairs, Windows, Carpet, Box Springs, Air Conditioner, Cabinets, Glass Patio Doors, Microwave, Barbeque grills, Railings, Bicycles, Lawn Chairs, Bed Frames, Machinery

CONCRETE –Cement, block, brick, stonework or any like masonry material or part thereof

COMMINGLED – Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

DEBRIS -Stones, dirt, demolition material and other like material, brush, branches, small trees and bushes.

DESIGNATED RECYCLABLE MATERIALS – Means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

Aluminum Cans (06): Food and beverage containers made entirely of aluminum.

Corrugated (01): Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

- Food Scraps (23): Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.
- Glass Containers (05): All glass containers used for packaging food or beverages.
- Mixed Office (02): All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).
- Newspaper (03): All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).
- Other Paper/Magazines/Junk Mail (04):
All magazine stock, white and colored paper and envelopes.
- Plastic (08): Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.
- Steel Cans (07): Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products.
- Textiles (29): Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.
- Tires (15): Rubber-based scrap automotive, truck, and specialty tires (e.g., forklift tires).
- White Goods and Light Iron (11):
All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap.
- Yard Trimmings (19): Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources.
- Other Plastic (26) Low density polyethylene (LDPE) film or bags, other film and plastic closures.
- ELECTRONICS – CD players, Computers, Computer accessories & Monitors, DVD players, Radios, Stereo equipment, Televisions, VCR's and other like components.

GARBAGE -Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS -All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling or various matter and all other material commonly known as "glass," excluding, however, blue and flat glass and glass commonly known as "window glass."

GREEN HOUSE PLASTIC -Various low density polyethylene films of varying mil thicknesses.

METAL -All products made of metal, exclusive of aluminum, including washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bimetal cans (tin cans) or scrap metal.

MUNICIPAL RECYCLING COORDINATOR – means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations that may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

MUNICIPAL RECYCLING ENFORCEMENT OFFICER – person or persons appointed by the Lower Alloways Creek Committee who shall be authorized to enforce the Ordinance as directed by the Municipal Recycling Coordinator;

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECYCLABLE MATERIAL - Means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

SOURCE SEPARATION OR SOURCE SEPARATED RECYCLABLE MATERIALS - Means recyclable materials, which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

TYPES - 10 = Municipal (household, commercial, institutional) waste, 13 = Bulky waste and 13C = Construction and Demolition waste

§ 153-3. Program established.

There is hereby established a program for the mandatory separation of recyclable material within the Township of Lower Alloways Creek.

§ 153-4. Mandatory Source Separation and Recycling Requirements. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11]

It shall be mandatory for all persons who are owners, lessees, tenants or occupants of any residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations within the Township of Lower Alloways Creek, to separate the following Designated Recycling Materials from all solid waste. Designated Recyclables shall be placed for disposal, removal or collection in strict conformity with the following regulations:

- A. Recyclable Glass (05), Steel Cans (07), Aluminum Cans (06) and plastic (08) shall be contained in a reusable metal or plastic occupant -or owner -supplied container only. The container and its contents shall not exceed 50 pounds when placed at curbside on the designated day and time for collection. The Method, Day and Time of collection shall be determined by the Township and the residents given notice thereof.
- B. Newspaper (03), office paper (02), magazines (04), junk mail (04), corrugated (01) and other cardboard (01) and brown paper bags shall be tied into bundles or contained in a reusable metal or plastic occupant or owner -supplied container only, and shall not exceed 50 pounds for any one bundle or container when placed at curbside on the designated day and time for collection. The Method, Day and Time of collection shall be determined by the Township and the resident given notice thereof.
- C. White Goods and Light Iron (11) shall only be placed at curbside on the designated day(s) and time for collection. The Method, Day and Time of collection shall be determined by the Township and the resident given notice thereof.
- D. When municipal curbside collection is not provided for Designated Recyclable Materials, as is the case for those recyclables generated by commercial and institution entities, it shall be the obligation of the owners, lessees, tenants or occupants of any residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations to arrange for private collection and delivery of Designated Recyclable materials to a recycling facility or to deliver Designated recyclable Materials to a municipal recycling depot designated by the Township of Lower Alloways Creek.

§ 153-5. Separation and placement of other recyclables.

The occupant or owner of any residential, commercial or institutional building or use within the Township of Lower Alloways Creek, unless exempted, shall place for disposal, removal or collection in the manner specified such other materials as may be identified by the Township when a convenient and economically feasible market exists and this chapter is amended accordingly.

§ 153-6. Leaves and grass clippings.

- A. It is prohibited to place leaves and grass clippings for collection or disposal as solid waste. All persons occupying residential premises within the township shall mulch or compost the leaves and grass clippings generated at those premises.
- B. Residential leaf generators are prohibited from causing or permitting nonorganic materials, paper, plastic, metal, wood, or other materials from becoming mixed in with leaves.
- C. Residential leaf generators are prohibited from mixing in leaves with municipal solid waste for disposal of solid waste.
- D. Haulers are prohibited from collecting solid waste in which leaves have been mixed.
- E. Notice of these leaf requirements shall be given to residential leaf generators by a method prescribed by N.J.S.A. 13: 1E-99.16.

§ 153-7. Enforcement. [Amended 12-16-08 by Ordinance 2008-11]

The Municipal Recycling Enforcement Officer so designated by the Township Committee shall be charged with the responsibility for enforcing this chapter, including issuance of warnings for violations and signing complaints against violators in the appropriate court. No complaint shall be filed in any court against a waste hauler or recyclable collector in violation of this chapter unless the person charged with the enforcement of this chapter shall first have given written warning ten (10) days in advance to the person charged that such action would or might be forthcoming. Such notice may be served by personal delivery or by ordinary or certified mail to the addressee's last known address.

§ 153-8. Exemptions.

Persons occupying commercial or institutional premises may be exempted by the township from the source-separation requirements of some or all of the provisions of this chapter, but only under the conditions set forth herein:

A. Eligibility for exemption. In order for a person occupying commercial or institutional premises to be granted exemption from one (1) or more of the source-separation requirements of the municipal recycling plan, two (2) conditions must exist:

- (1) The person must have otherwise provided for the recyclable materials designated in the plan from which the exemption is sought; and
- (2) The person shall be required to annually provide verifiable written documentation (reports) to the municipality of the total number of tons recycled prior to the request for exemption and, thereafter, for each year in which any such exemption is operable.

B. Term of exemption. No such exemption, if granted, shall endure for a period in excess of twelve (12) months without a review and extension based upon continued compliance within Subsection A above. Any exemption shall terminate automatically and without notice whenever the exempted person fails to comply with Subsection A(1).

§ 153-9. Non-institutional residential collection. [Amended 11-20-2007 by Ordinance 2007-15, 12-16-08 by Ordinance 2008-11, 06-15-10 by ordinance 2010-07]

A. The collection, removal and disposal of waste paper products, glass, aluminum, trash, debris and large objects from non-institutional residential buildings within the township shall be supervised by the official designated by the Township Committee, who shall have the power to establish the time, method and routes of service and the color-coding of receptacles. Special times for large-item pickup may be established.

B. The following items and materials shall not be included with trash for collection and shall be excluded from trash accepted for collection by the Township or any private hauler at the discretion of the Superintendent of Public Works or their designee.

- (1) Any and all waste material generated outside of Lower Alloways Creek Township.
- (2) Any material not accepted by the Salem County landfill without special arrangements, special packaging, special handling or special fees.
- (3) Any trash resulting from building demolition,

- (4) Contractor renovations materials.
 - (5) Motor vehicles, tractors, farm machinery and trucks or parts of any of those items.
 - (6) Toxic and hazardous wastes.
 - (7) Tree stumps.
 - (8) Brush and trees or parts of brush and trees in excess of four (4) inches in diameter.
 - (9) Animal carcasses.
 - (10) Nonhousehold chemical or petroleum products.
 - (11) Herbicide, pesticide and chemical containers unless they are empty and triple rinsed.
 - (12) Leaves and grass trimmings.
 - (13) Concrete of any size, weight or description
- B. Garbage, trash and debris from noninstitutional residential buildings shall be placed in metal or heavy-duty plastic containers, boxes or plastic bags secured by a lid or securely tied with a total weight not to exceed fifty (50) pounds.
- C. Brush and Branches from noninstitutional residential property shall be placed at curbside and the township notified as directed by the Superintendent of Public Works or his designee and placed at a minimum 6 (six) feet from any other container or object
- D. Bulk Items, White Goods, Scrap metal, Large nonmetal items, such as furniture, rugs, Scrap wood and mattresses, from noninstitutional residential buildings within the township shall be placed at curbside on the day(s) designated for collection of such items and placed at a minimum 6 (six) feet from any other container or object.

(1) Fees Imposed. [added 06/15/10 by Ordinance 2010-07]

There is hereby created a fee for the collection and disposal of Bulk Items in the Township of Lower Alloways Creek to be known as the Sticker Fee.

Each person, firm or corporation who is a qualified user and accepts the service of collection and disposal of Bulk Items shall pay for such service to the Township according to the following fees:

(a) Fee Schedule Items List

- \$5.00 Refrigerator
- \$5.00 Freezer
- \$5.00 Sofa bed
- \$3.00 Sofa
- \$5.00 Cooking stove

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\$5.00 Washer or dryer
\$5.00 Hot water heater
\$3.00 Room air conditioner
\$3.00 Carpet per roll or part roll
\$3.00 Mattress or box spring
\$3.00 Stuffed chair or recliner
\$1.00 Bureau, dresser or similar furniture item
\$10.00 Televisions (all)
\$2.00 Desk
\$2.00 Table (kitchen or dining)
\$3.00 Tire (passenger or pickup)
\$25.00 Tire (Large Truck or Tractor)
\$3.00 Propane Tank under 20 lbs
\$5.00 Propane Tank over 20 lbs
\$1.00 Miscellaneous other small items grouped together
(per 20 pounds, example Pool Cover, tarps & large toys)

(b) Stickers; Advance Payment

The fees provided for shall be paid to the Township by purchase of Township approved and issued stickers be applied to the Bulk Item sought to be disposed. Stickers shall be placed upon the bag, container or item being disposed in a conspicuous place thereon. If no sticker is applied, the waste will not be collected. Stickers maybe purchased only from the authorized officer of the Township who will issue them to qualified users of this service, in books of such number prescribed to be issued. Application may be made to such officer during any business day so that the service will not be interrupted according to the need of the user to have its waste collected. The application to secure such stickers shall require the name of the user, the address of the property to which the waste will be placed for collection and the nature of the use of the property. The stickers will not be transferable; however, they may be redeemed from the Township at cost if the user decides that there is no further use required. The stickers will remain subject to the conditions of issuance.

(c) Misuse of Stickers

Any person who attempts to duplicate or counterfeit a sticker, reuse a cancelled sticker, provide a sticker to an unqualified user, or transfer a sticker to any person to whom such sticker was not issued shall be in violation of this Article and be subject to prosecution in the Municipal Court. Any person determined guilty shall be subject to the payment of a fine not to exceed \$500 or imprisonment for a period of up to 90 days, or both, for each violation.

- E. Residents may receive one roll-off container per calendar year, to dispose of Type C10, C13, C13C waste or roofing material at no charge. For each additional roll-off container requested after the first, there shall be a charge of \$200.00, which shall be paid to the Township before the roll-off container is delivered. Roll-off containers shall be delivered to residents as available and shall remain at the residents site no longer than 2 (two) weeks.

§ 153-10. Receptacles. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11]

A. The only trash receptacles permitted are those designed for use with automated trash collection systems and will be provided by the township. Receptacles shall be placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. Receptacles shall be placed at curbside no earlier than 6:00 pm of the day immediately proceeding the day of collection. After collection, empty receptacles shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

B. All recycling receptacles required herein shall be supplied by the occupant or owner of the premises and placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. The occupant or owner shall keep all receptacles clean and in condition for safe handling. Receptacles or other items to be disposed of shall be placed at curbside no earlier than 6:00 pm of the day immediately proceeding the day of collection. After collection, any empty containers shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

§ 153-11. Collection by unauthorized persons. [Amended 12-16-08 by Ordinance 2008-11]

A. From the time of placement at the curb of any one of the categories described herein for the collection by the Township of Lower Alloways Creek or its agent in accordance with the terms hereof, items shall be and become the property of the Township of Lower Alloways Creek or its authorized agent. It shall be a violation of this Article for any person unauthorized by the Township of Lower Alloways Creek to collect or pick up or cause to be collected or picked up any such items during the twenty-four-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection. Any and each such collection in violation hereof from one or more residences during said twenty-four-hour period shall constitute a separate and distinct punishable violation as hereinafter provided.

B. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

§ 153-12. Rules and Regulations [Amended 12-16-08 by Ordinance 2008-11]

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this subchapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

§ 153-13. Construction, Renovation and Demolition Debris Recovery Plan
[Amended 12-16-08 by Ordinance 2008-11]

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials Plan shall be filed along with all other required permit conditions. The Plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

§ 153-14. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars (\$1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

Article II

Multifamily Development Regulations

[Adopted 6-21-1994 as Ord. No.94-5, Amended 12-16-08 by Ordinance 2008-11]

§ 153-15. Definitions. [Amended 12-16-08 by Ordinance 2008-11]

As used in this Article, the following terms shall have the meanings indicated:

COMMINGLED – Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

DESIGNATED RECYCLABLE MATERIALS – Means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and are defined in Article I of this Chapter

MULTIFAMILY HOUSING DEVELOPMENT -A building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

MUNICIPAL RECYCLING COORDINATOR – means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations that may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

MUNICIPAL RECYCLING ENFORCEMENT OFFICER – person or persons appointed by the Lower Alloways Creek Committee who shall be authorized to enforce the Ordinance as directed by the Municipal Recycling Coordinator;

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECYCLING AREA -Space allocated for collection and storage of source-separated recyclable materials.

RECYCLABLE MATERIAL - Means those materials which would otherwise become solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

SOURCE SEPARATION OR SOURCE SEPARATED RECYCLABLE MATERIALS - Means recyclable materials, which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

§ 153-16. Recycling area required; dimensions.

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the District Recycling Plan adopted pursuant to § 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), and any applicable requirements of the Municipal Master Plan adopted pursuant to § 26 of P.L. 1987, c. 102 (N.J.S.A. 40:55D-28).

§ 153-17. Location of recycling area.

The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

§ 153-18. Lighting; accessibility; protection from theft.

The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

§ 153-19. Protection against environmental conditions.

The recycling area or the bins or containers placed therein shall be designed to provide protection against adverse environmental conditions, which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, to keep the paper or cardboard dry.

§ 153-20. Signs.

Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

§ 153-21. Landscaping.

Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**§ 153-22. Prohibition of the collection of waste mixed with recyclable materials
[Amended 12-16-08 by Ordinance 2008-11]**

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, Designated Recyclable Materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains Designated Recyclable Materials.

B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this Ordinance and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

**§ 153-23. Compliance with Diversion Requirement
[Amended 12-16-08 by Ordinance 2008-11]**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

§ 153-24. Violations and penalties. [Amended 12-16-08 by Ordinance 2008-11]

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars (\$1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

CHAPTER 155

WEEDS AND OBNOXIOUS GROWTH ON PRIVATE PROPERTY

§ 155-1. Prohibiting excessive weeds and growth

§ 155-2. Notice of Abatement

§ 155-3. Noncompliance

§ 155-4. Costs and Charges

§ 155-5. Lien

§ 155-6. Statutory Authority

[History: Adopted by the Township Committee of Lower Alloways Creek 10/16/2007 as Ordinance 2007-13]

§ 1. Prohibiting excessive weeds and growth

- (a) No owner of any lot within the Township, nor the agent of such owner, shall permit on such lot, or upon any sidewalk abutting the same, any weeds, tall grass or deleterious, unhealthful growth or other noxious plant matter.
- (b) No owner nor the agent of such owner shall permit brush, hedges, and other plant life to grow to a height of more than two and one-half (2 1/2) feet within ten (10) feet of the edge of any roadway adjacent to said owner's property.

§ 2. Notice of abatement

The Township clerk or Public Works supervisor or an individual designated by the Lower Alloways Creek Township Committee is authorized and empowered to notify, in writing, the owner or agent for the owner of any such lot, place or area within the Township to cut, destroy and/or remove any such weeds, tall grass or deleterious, unhealthful growths or other noxious plant matter found growing, lying or located on such owner's property or upon the sidewalk abutting same. Such notice shall be by regular mail addressed to said owner or agent of the owner at his/her last known address.

§ 3. Noncompliance

Upon the failure, neglect or refusal of any owner or agent so notified to comply with the notice and remove and/or abate the objectionable growth within seven (7) days of the date written notice is mailed, the municipal clerk, Public Works supervisor or Township designee is hereby authorized and empowered to take appropriate action to cut and/or remove the objectionable growth and may contract for said removal with an individual or company authorized by the Township Committee to complete such work at an agreed fair and reasonable rate approved by the Township Committee.

§ 4. Costs and charges

When the objectionable growth has been removed by either Township employees or a person or entity contracted to complete said removal and/or destruction, the actual cost for removal plus a \$50 administrative fee will be charged and billed to the owner of the property. The total amount due shall be payable by the owner within twenty-one (21) days of the billing date.

§5. Lien

If the full amount due the Township is not paid within twenty-one (21) days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes.

Sworn statements recorded in accordance of the provisions hereof shall be *prima facie* evidence that all legal formalities have been completed and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount shown in the statement, plus interest, constitutes a municipal lien against the property designated or described in the statement and that the same is due and collectable as provided by law.

§ 6. Statutory authority

The foregoing ordinance is adopted pursuant to the authority set forth in New Jersey Statutes Annotated §§ 40:48-2.13; 40:48-2. 13(a); and 40:48-2.14.

